



U/253/86

# भारत का राजपत्र

## The Gazette of India

शासकार से प्रकाशित  
PUBLISHED BY AUTHORITY

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नई दिल्ली, शनिवार, फरवरी ८, १९८६/माघ १९, १९०७

No. 3] NEW DELHI, SATURDAY, FEBRUARY 8, 1986/MAGHA 19, 1907

इस भाग में भिन्न पृष्ठ संख्या वाली है जिससे कि यह अन्य संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

PART II—Section 3—Sub-section (III)  
भाग II—भाग ३—विधि-विधि (III)

(संघ राज्य के विभिन्न विधायिकाओं को छोड़कर) केन्द्रीय विधिकारियों द्वारा जारी फॉरम वर्ग विधियों और अधिसूचनाएं  
Orders and Notifications issued by Central Authorities (other than Administrations of Union  
Territories)

भारत निवाचन आयोग

नई दिल्ली, ६ जनवरी, १९८६

आ. अ. ४—लोक प्रतिनिधित्व अधिनियम, १९५१  
(१९५१ का ४३) को धारा १०६ के अनुसरण में निवाचन आयोग एतद्वारा निवाचन याचिका सं. १९८४ की १ में  
आधिकारिक रूप से न्यायालय, हैदराबाद के २९ नवम्बर,  
१९८५ का निर्णय प्रकाशित करता है।

[सं. ८२/आ.प्र.-सी. एम. ११/८४]

ELECTION COMMISSION OF INDIA

New Delhi, the 6th January, 1986

O.N. 4.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment of the High Court of Judicature, Andhra Pradesh at Hyderabad dated 29th November, 1985 in Election Petition No. 1 of 1984.

IN THE HIGH COURT OF JUDICATURE; ANDHRA PRADESH AT HYDERABAD (ORIGINAL JURISDICTION)

Friday the Twenty Ninth Day of November

One Thousand Nine Hundred and Eighty Five

PRESENT :

The Hon'ble Mr. Justice Upendralal Waghry.

Election Petition No. 1/1984

(In the matter of the Representation of People Act 1951)  
In the matter of the Election for the council of states from the Andhra Pradesh Legislative Assembly constituency.

Election petition u/s 81 of the Representation of People Act 1951 praying that in the circumstances stated therin the Court may be pleased :—

1. to declare the election of the respondents 1 to 6 to the council of states on 29-3-1984 as void; and

2. to award costs and other relief to the petitioner as may be deemed fit and proper in the circumstances of the case.

This Election petition coming on for hearing this day upon pursuing the Election Petition filed by the petitioner and the written statements filed by the respondents and the petitioner not appearing in person or by Advocate and of Mr. I. Koti-Reddy, Advocate for the respondents 1, 3, 4, 5 and 8 Mr. M. Chandrasekhara Rao, Advocate for Respondent No. 2; Mr. M. B. Ramasarma, Advocate for respondent No. 6 and of Mr. V. Eswarajah, Advocate for respondent No. 7, the Court made the following :—

ORDER : The Election petition was presented on 11-6-84. The petitioner is appearing in person. Issues were framed on

28-12-1984. After several adjournments, the petitioner got himself examined as P.W. 1 on 6-9-1985. He was cross-examined on behalf of some of respondent and it was adjourned for cross-examination by R-2 and for evidence of the other respondents. The matter was adjourned beyond a week and to 20-9-1985 at the request of the petitioner because he had to appear in person in some case before the Supreme Court. The petitioner was absent on 20-9-1985 and also on subsequent hearing viz., 11-10-85 and on 18-10-85 to which the case was adjourned for his absence. On 18-10-85, a telegram was received from New Delhi to the effect that the petitioner is continuing treatment in Prestige Estate Clinic and requesting for adjournment of a month. The case was therefore, adjourned to 22-11-1985. As he was absent on that day also, it was posted to today. To-day also when the case was called in the morning, he was absent. Again at 2-15 p.m., there is no response. In the circumstances, the Election petition is dismissed for default. I make no order as to costs.

J. KRISHNASARMA, Dy. Registrar

TRUE COPY

Sd/- Hlegible  
Asstt. Registrar  
[No. 82/AP-CS/1/84]

आदेश

नई विल्सन, 7 जनवरी, 1986

प्रा. अ. 5.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनि-

दिष्ट लोक सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र में हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपदेशित रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दर्शित करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या नो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की प्रारंभ 10-के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधायक परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

### सारणी

क्र.सं. निर्वाचन का विवरण	संसदीय निर्वाचन-क्षेत्र की निर्वाचन लड़ने वाले अभ्यर्थी वाले का नाम और पता	निरहीता का कारण		
1	2	3	4	5
1. लोक सभा का साधारण निर्वाचन	3—बड़ागारा संसदीय निर्वाचन क्षेत्र	श्रीमती मुशीला बालाकृष्णन मनायर्थ हाऊस, तिस्वंगाद, तैलीचेरी-3 (केरल)	विधिनसार लेखा दाखिल करने में असफल रही	
2. नदैव	15—अलेप्पी संसदीय निर्वाचन क्षेत्र	श्री बैजामिन पालिकाथाड़ल अर्धानंगल डाकघर शेरवाई, अलेप्पी जिला (केरल)	लेखा दाखिल ही नहीं किया	
3. नदैव	19—चिरियनिकिल संसदीय निर्वाचन क्षेत्र	श्री ब्रशीर सबीना मंजिल, चेन्नैनगम शाह-11, वरकाला नगरपालिका, वरकाला	निर्धारित समय में तथा विधिनसार लेखा दाखिल करने में उन्मत्त रहे।	
4. नदैव	20—विवेन्द्रम संसदीय निर्वाचन क्षेत्र	श्री पी. बी. सहदेवन डी.सी. 14/574, पलायन, विवेन्द्रम-695001	लेखा दाखिल ही नहीं किया।	

## ORDERS

New Delhi, the 7th January, 1986

O.N. 5.—Whereas, the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People/ Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses in the constituency specified in column (3) against his name in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order

## TABLE

S. Particulars of election No.	S. No. & Name of constituency	Name of the contesting candidates	Reason for disqualifica- tion	
1	2	3	4	5
1. General Election to the House of the People	3—Badagara Parliamen- tary constituency	Smt. Suseela Balakrishnan, Manayath House, Thiruvangad, Tellicherry-3, (Kerala)	Failed to lodge the acc- ount in the manner	
2. -do-	15-Alleppey Parliamen- tary Constituency	Sri. Benjamin, Pallikkathayil. Arthnagal P.O., Shertallai, Alleppey Distt., (Kerala).	Not lodged the account at all	
3. -do-	19-Chiryinkil parliamen- tary constituency	Sri Basheer, Sabeena Manzil, Cherukunnam. Ward XI, Varkala Municipality, Varkala.	Failed to lodge the acc- ount within time and the manner	
4. -do-	20-Trivandrum parlia- mentary constituency	Sri P.V. Sehadevan, T.C. 14/574, Palayam, Trivandrum-695001.	Not lodged the account at all	

[No. 76/KL-HA/85 (22—25)]

प्रा. अ. 6.—निर्वाचन आयोग का ममाधान हो गया है कि नोंचे की सारणों के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-भेद से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिभिधित्र अधिनियम, 1951 तथा तद्दोन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणों के स्तम्भ (5) में यथा उपर्याप्त रूप में अपने निर्वाचन व्यायों का कोई भी लेखा वापिल करने असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण

नहीं दिया है या उनके द्वारा दिए गए अध्याक्षेत्रों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यापीचित्य नहीं है;

अतः यदि, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नोंचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्याक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस अदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

## सारणी

क्र. सं.	निर्वाचन का विवरण	संसदीय निर्वाचन-क्षेत्र की अ. सं. और नाम	निर्वाचन लड़ने वाले अन्यर्थी का नाम पता	निरहृता का कार्य
1	2	3	4	5
1.	लोक सभा का साधारण निर्वाचन (तमिलनाडु)	6—अकेनिम	श्री एम. डी. कल्याण सुन्दरम मोसुरु गांव और पोस्ट, अरक्कोनम तालुक नार्थ आरकोट जिला तमिलनाडु	विधिवत रूप से लेखा दाखिल नहीं किया गया।
2.	तदेव	18—नीलगिरि	श्री वी. सुम्रमणि 25-बी. पी. स्ट्रीट, कूतूर-2, नीलगिरि जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
3.	तदेव	तदेव	श्री एस. ए. जे. सेलवाराज 1/353 जोधिपुरम कोयम्बटूर-641047 (तमिलनाडु)	
4.	तदेव	तदेव	श्री के. देवाप्पन, 67 ई अन्नामलाई स्ट्रीट करामादि 641104 (तमिलनाडु)	तदेव
5.	तदेव	27—तिरुचिरापल्ली	श्री डी. मैनयेन राज कुमार, पुत्र एस. डी., दुराई स्वामी 30-2 वाकुक्क पोरंपैथिसमैन काल, स्ट्रीट तिरुचिरापल्ली-17 (तमिलनाडु)	तदेव
6.	विधान सभा का साधारण निर्वाचन (तमिलनाडु)	1—रोयापुरम	श्री असाईयाम्पि पाण्डियन, प. वं. पी. उर्फ मीद्रा पाण्डियन, ए., 10-गांव रोड नामगमबक्कम, मद्रास-600034	तदेव
7.	तदेव	तदेव	श्री के. समपथराज, 41, थाम्पु चेट्टी लेन, रायपुरम, मद्रास-600013	तदेव
8.	तदेव	तदेव	श्री सो. इलुमलाई स. 2, सोम चेट्टी स्ट्रीट थांडु लेन, रायपुरम मद्रास-600013	तदेव
9.	तदेव	3—डा. राधाकृष्णनगर	श्री एन. अशोकम, 139, सोलाईप्पन स्ट्रीट मद्रास-21	तदेव

1	2	3	4	5
10.	विधान सभा का साधारण निर्बाचन (तमिलनाडु)	3—डा. रघु वृषभनगर	श्री आर. गांधी, मेन रोड, नेहरू नगर, इन्नोर रोड, तोनकियारपेट, मद्रास-21	कोई भी लेखा दाखिल नहीं किया ।
11.	तर्दव	4—पार्क टाउन	श्री मरली के, 193, वेल्लाला स्ट्रीट, पास्वकलम, मद्रास-84	तर्दव
12.	तर्दव	नर्दव	श्री एम. एस. मणि, 83—क्रास स्ट्रीट, मद्रास-39	नर्दव
13.	तर्दव	नर्दव	श्री मोहमद बिलाल, 30, अस्लाबुजम रोड, चलाई, मद्रास-112	समय पर और विधिवत रूप से लेखा दाखिल नहीं किया ।
14.	तर्दव	5—पेराम्पुर (अ.आ.)	श्री के आनन्दराज, 36. वी. ओ. सी. नगर, पाई स्ट्रीट, डा. अम्बेडकर कालेज रोड, मद्रास-12	कोई भी लेखा दाखिल नहीं किया ।
15.	तर्दव	तर्दव	श्री पी. शंकरलिंगम, 19, मदागोपा अलवार स्ट्रीट, मगांसिनापुरम, व्यासपादि, मद्रास-39	तर्दव
16.	तर्दव	6—पुरासावाल्कम	श्रीमती एस. सेलभामेरी 20, नाम्पुलियर स्ट्रीट, मद्रास-1	समय पर और विधिवत रूप से लेखा दाखिल नहीं किया ।
17.	तर्दव	तर्दव	श्री ई. मनिरथिनम, 4, सुब्बारय्या चेट्टी 4 स्ट्रीट, द्वितीय लेन (जारी) नम्मलवारपेट, मद्रास-12	कोई भी लेखा दाखिल नहीं किया गया ।
18.	तर्दव	7—एगभोर (अ.आ.)	श्री वी. पोनिह, 21-सरनगापानि स्ट्रीट, जी. आर. कुट्टरई, टी. नगर, मद्रास-17	तर्दव
19.	तर्दव	11—चेपाक	श्री एम. राधाकृष्णा 22, पैचियाप्पा चेट्टी स्ट्रीट, अन्ना सलरई, मद्रास-2	नर्दव
20.	तर्दव	तर्दव	श्री यू. शात्तिलाल कटारिया, 67 ए, ट्रिप्पिकेन हाई रोड, ट्रिप्पिकेन, मद्रास-5	नर्दव
21.	तर्दव	19—आलम्पुर	श्री ई. आर. ए. चन्द्रभोग्न, सं. 12, कैटोनमेट काम्प्लेक्स, गान्ति रोड, मद्रास-600043	समय पर और विधिवत रूप से लेखा दाखिल नहीं किया ।
22.	तर्दव	तर्दव	श्री पी. दीनदयालन, पुत्र पदमनाभन, नं. 29, वेंटिलाइकरार स्ट्रीट वाल्लाजाहपेट, नार्थ आर्कोट जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया ।

1	2	3	4	5
23.	विधान सभा का मत्ररग निवारन (तमिन्नाडु)	34—रानीपेट	श्री एम. अन्दुल गम्फूर, पुत्र अन्दुल सामय, 118 बी. वेल्लोर, आर्कोट रोड, मेलविश्वरम, नार्थ आर्कोट जिला (तमिलनाडु)	समय पर और विधिवत रूप में लेखा दाखिल नहीं किया।
24.	तदैव	47—अनाइकट	श्री एम. दुराईस्वामी, 47, धलपुटी कृष्णास्वामी स्ट्रीट, पल्लिकोडा, वेल्लोर तालुक, नार्थ आर्कोट जिला (तमिलनाडु)	विधिवत रूप में लेखा दाखिल नहीं किया।
25.	तदैव	48—वेल्लोर	श्री पी. मुद्रामणि, नं. 4, मेरिफक अली सुबेशार स्ट्रीट, वेल्लोर नार्थ आर्कोट जिला (तमिलनाडु)	तदैव
26.	तदैव	54—गिरा	श्री के वेनगोपाल, पुत्र कप्पन, थन्मपूडि गांव, कुन्नापकम पोस्ट तिडिरानम साउथ आर्कोट जिला (तमिलनाडु)	कोई शी लेखा दाखिल नहीं किया।
27.	तदैव	58—विल्लुपुरम	श्री वी. मार्थनदन, पुत्र वीराप्पन 16, योगेन्द्राराजा पेरुमल स्ट्रीट, विल्लुपुरम साउथ आर्कोट जिला (तमिलनाडु)	तदैव
28.	तदैव	60—थिरुनावलर	श्री एन अमृगम, कार्लवप्पिनमपालियम यडपट्ट, पोडि, उन्निरोट तालुक साउथ आर्कोट जिला (तमिलनाडु)	तदैव
29.	तदैव	62—नलिंकुप्पम	श्री राजसेक्रण, कीलकावरापट्टम पोस्ट पनस्ति तालुक साउथ आर्कोट जिला (तमिलनाडु)	तदैव
30.	तदैव	91—पानामाराथ पट्टौ	श्री के. रामास्वामी, अदिवारान्निदर स्ट्रीट राम नगर अयोधापट्टनम पोस्ट, मालेम-14 (तमिलनाडु)	तदैव
31.	तदैव	103—योडामुथुर	श्री एन्थोनो किट्टन 3/5 मथिपल्यम, योडामायुर पोस्ट, कोयेम्बटूर (तमिलनाडु)	तदैव
32.	तदैव	नैव	श्री के. पी. इथिराज, 4-5 अलमेलु मंगम्पल लेआउट-1, स्ट्रीट नं. 2, पुलियाकुलम, कोयेम्बटूर (तमिलनाडु)	तदैव
33.	नैव	तदैव	श्री टी. एन. जार्ज, 5/6 मथिपल्यम यानडामोयुर पोस्ट, कोयेम्बटूर (तमिलनाडु)	तदैव
34.	तदैव	105—कोयम्बटूर (पश्चिम)	श्री वी. ए. पोन्तुस्वामी असारी, 39/7 चल्लाप्पन लेन, कोयम्बटूर-1 (तमिलनाडु)	तदैव

1	2	3	4	5
35.	विद्यान सभा का साधारण निष्पत्ति (तमिलनाडु)	106—कोयम्बटूर प.वं	श्री एम. नुरेश्वरन, 119, वफ़कादर स्ट्रीट, कट्टूर कोयम्बटूर (तमिलनाडु)	कोई भी लेन्डा वालिल नहीं किया।
36.	—तदैव	—तदैव—	श्री आर. ए. राजियन 77, रंगराज नेआवट, न्यू सिधापुद्र	—तदैव—
37.	—तदैव—	—तदैव	कोयम्बटूर (तमिलनाडु)	—तदैव—
38.	—तदैव—	107—पेरूर	श्री ए. चयनन्दन, 13, सौरिपल्यम रोड, पैरियर नगर, कोयम्बटूर (तमिलनाडु)	—तदैव—
39.	—तदैव—	—तदैव—	श्री एम. ए. कंदोस्वामी, गाउडर किजाक्कल थोट्टम, मालुमिचमपट्टुरी पोस्ट, कोयम्बटूर—641021	—तदैव—
40.	—तदैव—	111—उडुमाल्पेट	श्री एन. देवदास, 9-बी, पालमादाम पेरूर, कोयम्बटूर—30 (तमिलनाडु)	—तदैव—
41.	—तदैव—	114—पोगाल्लुर	श्री एस. वणीर अहमद, वार्ड कामार्जिंगम पो. आ. उडुमाल्पेट तालुक, कोयम्बटूर ज़िला (तमिलनाडु)	—तदैव—
42.	—तदैव—	115—पल्लाडा	श्री एस. गोविन्दा स्वामी, पुत्र सुव्व गाउडर, शिल्माजिकेनपल्यम जे. कृष्णापुरम (पॉस्ट) केथानर (वाया) पल्लाडा तालुक पिन कोड नं. 638671	—तदैव—
43.	—तदैव—	—तदैव—	कोयम्बटूर ज़िला (तमिलनाडु)	—तदैव—
44.	—तदैव—	116—तिस्पुर	श्री पी. एन. कृष्णामूर्ति, पुत्र अर्जुनाचल गाउडर, 14, नेत्तिमलाई गाउडर स्ट्रीट वाड नं. 9, पनापलायम पल्लाडम, कोयम्बटूर ज़िला (तमिलनाडु)	—तदैव—
45.	—तदैव—	—तदैव—	श्री के. सी. रामासामी, पुत्र चेन्निमलाई गाउडर, पल्लकामुर्धोत्तम, करनमपेटट्टई पो. आ. कायमपल्यम (वारा) कोयम्बटूर ज़िला (तमिलनाडु)	—तदैव—
			श्री एल. कुदास्वामी, पुत्र एल. लिगपन 32 एस. बी. कालोनी पो. एन. रंड तिस्पुर-2	—तदैव—
			कोयम्बटूर ज़िला (तमिलनाडु)	
			श्री एन. नटराजन, पुत्र पो. नचिम्श गाउडर, 1-अरनमनईपुद्र मैकेन्ड स्ट्रीट, तिस्पुर कोयम्बटूर ज़िला (तमिलनाडु)	—तदैव—

1	2	3	4	5
46.	विधान सभा का साधारण नियंत्रित (तमिलनाडु)	116—तिळपुर	श्री सी. पलानियामी, पुत्र चिन्तिया गाउड़र, मुख्यमन्त्री पोस्ट तिळपुर कोयम्बटूर जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
47.	—तदैव—	126—कूनूर (अ. जा.)	श्री एल कोमालि, 3/237 इसिवेटटा कालोनी, मिलिङ्गन पो. आ. कोटागिरि तालुक, नीलगिरि जिला (तमिलनाडु)	—तदैव—
48.	—तदैव—	152—कर्लर	श्री एस. कर्णिकेयन 11 ई. 2 स्ट्रीट राजालिंगपुरम कर्लर, जिला तिळचिरापल्ली (तमिलनाडु)	—तदैव—
49.	—तदैव—	—तदैव—	श्री एम. संथानम् 98 ई. बी. आर. सलाई, कर्लर, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
50.	—तदैव—	154—मंसूनगापुरी	श्री एस. जैन जोसेफ, पुत्र शातियागु, चिदाम्बराथान पट्टी पोस्ट, मनाप्पराई तालुक (तमिलनाडु)	—तदैव—
51.	—तदैव—	155—कुलियलाई	श्री आर. रनावि, पुत्र रामास्वामी, कुन्नकावन्दन पट्टी (वाया) मनाप्पराई कुलियलाई तालुक, चिरचिरापल्ली जिला (तमिलनाडु)	—तदैव—
52.	—तदैव—	—तदैव—	श्री पी. धर्मराज, पुत्र पुनुस्वामी, इनम अलाधुर वाया इनोगमासाई कुलियलाई तालुक, चिरचिरापल्ली जिला (तमिलनाडु)	—तदैव—
53.	—तदैव—	—तदैव—	श्री पी. राजालिंगम, पुत्र पलानियादी, पोकुवारपट्टी के. पेरियापट्टी, मनाप्पराई तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
54.	—तदैव—	156—थौटिट्याम	श्री पी. पलानियामदी, पुत्र पेळमल, सेऱ्कुदि पोस्ट, मसिरि तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
55.	—तदैव—	—तदैव—	श्री आर. थानगावल, पुत्र रामानाथन, समय पर और विधिवत रूप से नदुकोदियमपल्लम मन्नामेहु पोस्ट, लेखा दाखिल नहीं किया। मसिरि तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	
56.	—तदैव—	158—मुसिरो	श्री. के. अलागुमानी, पुत्र कर्णनाकरण पेलर पोस्ट, मुसिरी तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
57.	—तदैव—	—तदैव—	श्री के. एम. राज, पुत्र कुलानदईसामी, 2-तुराईयर रोड, स्ट्रीट मुसीरी, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—

1	2	3	4	5
58.	विप्राम गधा फा माधारण निवांचन (तमिलनाडु)	158—मुमिर्गी	श्री नार. लक्ष्मण, पुत्र रेणास्वामी, २६, न्यू स्ट्रीट, ममयापुरम पास्ट, लालगुडा तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	कोई भी लेखा दाखिला नहीं किया
59.	—तदैव—	159—तालगुडी	श्री एम. कंदास्वामी, पुत्र सेनगामतम, अम्बल टाकोन स्ट्रीट सैकेंड कार्लीनी, कुल्लाकर्गिचि पास्ट, लालगुडा तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
60.	—तदैव—	—तदैव—	श्री एम. पी. नागाराजन, पुत्र एस. के. पैगिस्वामी नादर, थिर्मेनमेंदु पास्ट, लालगुडा तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
61.	—तदैव—	160—पेरम्बलुर (अ. जा.)	श्री एन. श्रीनिवासन, पुत्र नरायण, अन्नामंगलम, पेरम्बलुर तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
62.	—तदैव—	—तदैव—	श्री एम. मुश्म मणियन, पुत्र मेल्लासुथु, १० वां वार्ड, पेरम्बलुर तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
63.	—तदैव—	163—अन्तिमाइम	श्री एम. एन्टोनीस्वामी, पुत्र वी. एस. मरियनथन, ईस्ट स्ट्रीट, वधाराजनपट्टै ६२१८०५, उदयरपल्यम तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
64.	—तदैव—	—तदैव—	श्री नतेसन सोलाई, पुत्र ए. सोलाईसुथु, मिन्पुणनाम, मैथूर (वाया) उदयरपल्यम तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	—तदैव—
65.	—तदैव—	—तदैव—	श्री एस. एम. राजामानिकम, पुत्र मोन्तियन, मिळकताथूर (डाकघर) पौतपारणी (वाया) आर्मियालुर तालुक, तिळचिरापल्ली जिला (तमिलनाडु)	विधिवत स्प से और समय पर लेखा दाखिल नहीं किया।
66.	—तदैव—	164—जयनकोडम	श्री पी. अनवरमन, पुत्र एम. पेस्मल, १-ए, कुंजिथापात्तूरस जयनकोडम, तिळचिरापल्ली जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
67.	—तदैव—	165—श्रीरंगम	श्री पी. एस. गोविन्दन, १/ए, नार्थ स्ट्रीट, मेलाकोडायम पेट्टी, थिर्वनाईकोणल तिळचरी (तमिलनाडु)	—तदैव—
68.	—तदैव—	166—तिळचिरापल्ली-१	श्री जी. इनवासेकरण, २१, भेकादि स्ट्रीट, पलाकारी, तिळचिरापल्ली-१ (तमिलनाडु)	—तदैव—
69.	—तदैव—	—तदैव—	श्री आर. मुब्रामणि, आ-४४, भारायियार स्ट्रीट, वैस्टर्न माडू, जीवानगर, तिळचिरापल्ली-४ (तमिलनाडु)	—तदैव—

1	2	3	4	5
70.	विधान सभा का साधारण निर्वाचन (तमिलनाडु)	167—तिळचिरापल्ली-11	श्री पौ. बाल, 7-बी, मिन्नापत्ति स्ट्रीट, वौरियर, तिळचिरापल्ली-3 (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
71.	—तदैव—	—तदैव—	श्री एन. रघि, 10-न्यू स्ट्रीट, पुथुर, तिळचिरापल्ली-17 (तमिलनाडु)	—तदैव—
72.	—तदैव—	—तदैव—	श्रां एम. के. शास्त्रमुगम, 15/21, नार्थ मूथुराजा स्ट्रीट, पुथुर, तिळचिरापल्ली-17 (तमिलनाडु)	विधिवत रूप में और समय पर लेखा दाखिल नहीं किया गया।
73.	—तदैव—	168—थिरुवेणम्बुर	श्री के. चित्रपुथरन, 33, घर्मा कालोनी, थिरुवेणम्बुर, तिळचिरापल्ली-13	कोई भी लेखा दाखिल नहीं किया।
74.	—तदैव—	—तदैव—	श्री एस. रिपिनम्, 80-ग, रथनमेतु, थावाकुदि, तिळचिरापल्ली-15 (तमिलनाडु)	—तदैव—
75.	—तदैव—	169—सिरकाली (अ. जा.)	श्री एस. स्वामीनाथन, थिरुवल्ली पोस्ट सिरकाली तालुक, थीकबुर जिला (तमिलनाडु)	—तदैव—
76.	—तदैव—	171—मयुरम	श्री प. शांशोश्याम, वादाशकुयेल, विरुद्धनगनालुर, मनलमेंद पो. आ., मईलादुतुराई तालुक, जिला यानजोवर (तमिलनाडु)	—तदैव—
77.	—तदैव—	172—कुट्टालम	श्री रामा समपथ, कीलावलि, कुट्टालम (पोस्ट) जिला तंजावुर (तमिलनाडु)	—तदैव—
78.	—तदैव—	173—नन्तिलम (अ. जा.)	श्रो पंत. सेलवारासु, शिवर बैंक स्ट्रीट, केलामगलम, पम. नन्तिलम पोस्ट नन्तिलम तालुक, थांजावुर जिला (तमिलनाडु)	—तदैव—
79.	—तदैव—	175—नागापट्टीनम	श्री के. कन्नादिरान, 22, नादुस्ट्रीट, अक्काराईपेट्टीई, थांजावुर जिला (तमिलनाडु)	—तदैव—
80.	—तदैव—	182—थिरुवोनम	श्री वा. शेनमणि, मेन रोड, युरानियुरम अंग डाकबॉर अंगायांड तालुक, थांजावुर जिला (तमिलनाडु)	—तदैव—
81.	—तदैव—	184—थिरुवैद्याल	श्री एस. जोसेफ, श्रीशिवयन हरिजन स्ट्रीट, दरूपुर, थिरुवैद्याल तालुक, प्रांजावर जिला (तमिलनाडु)	—तदैव—
82.	—तदैव—	187—कुम्बाकोनम	श्री के. प. अलगर स्वामी, पुत्र अलगरस्वामी चेतियार, म. 36 गे, कारनाकोल्लाई इस्ट स्ट्रीट, कुम्बाकोनम जिला थांजावुर (तमिलनाडु)	—तदैव—
83.	—तदैव—	210—विलथिकुलम	श्री के. पम. कदास्वामी, कम्पनापुरम, विलथिकुलम डाकघर, निवन्देलक्ष्मि जिला (तमिलनाडु)	—तदैव—

1	2	3	4	5
84.	विधान सभा का साधारण निर्वाचन (तमिलनाडु)	212—कोईलपट्टी	श्री पी. लीनिरामु, पुल पैस्टमर्केट, कोयिरेसन कोयल स्ट्रीट, कोयलपट्टी, तिळनेलवेल जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
85.	—तदैव—	213—संकरनामा—रकोइल लैलवि आई. उलगामानियाम्मल, पुली इगनामिसुप, रंगासामद्रम कीलानीरिया नल्लुर, डाकघर, संकरनामतयन कोयले, तिळनेलवेल जिला (तमिलनाडु)	विधिवत रूप से और समय पर लेड दाखिल नहीं किया।	
86.	—तदैव—	214—वासुदेवा—नल्लुर (अ. जा.)	श्री एस. सुविहा, 52, परिकुलाई स्ट्रीट, तिळनेलवेल जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।
87.	—तदैव—	—तदैव—	श्री वी. विजयन, 93, सो. कुदालकल्लूर एस्ट, संकरनकोयल तालुक, तिळनेलवेल जिला (तमिलनाडु)	—तदैव—
88.	—तदैव—	220—चरगमहादेवा	श्री पी. अल्लुगम, हरिजन 11 स्ट्रीट, वदाकु कल्कायि, तिळनेलवेली जिला (तमिलनाडु)	—तदैव—
89.	—तदैव—	222—नानगुनेरी	श्री एस. थानगापनदियन नादुचलाईपुट्टूर गांव और डाकघर, (बाया) मावादि, जिला तिळनेलवेली (तमिलनाडु)	—तदैव—
90.	—तदैव—	—तदैव—	श्री ए. पिचाई, कदमवानकुलम मलाईकराईपट्टी पोस्ट, रननगनीर तालुक, तिळनेलवेली जिला (तमिलनाडु)	—तदैव—
91.	—तदैव—	223—राधापुरम	श्री चित्तिराई चेजिहियनम उर्फ नेल्लै चेजहिल्यन, अमडचुकोएल पेरक, वल्लैपुर, तिळनेलवेली जिला	—तदैव—
92.	—तदैव—	—तदैव—	श्री टी. रामा स्वामी, 73 सिवागमपुरम, अवरइकुलम, तिळनेलवेली जिला (तमिलनाडु)	—तदैव—
93.	—तदैव—	—तदैव—	श्री एस. लक्ष्मण येवर, ईस्ट स्ट्रीट, पजहावर, तिळनेलवेली जिला (तमिलनाडु)	—तदैव—
94.	—तदैव—	229—नागरकोइल	श्री एस. देवाथसन, नं. 25-62 अम्मनदिविलाई गुलोम रोड, अम्मनदिविलाई पोस्ट, कन्याकुमारी जिला (तमिलनाडु)	—तदैव—

1	2	3	4	5
95. विधान सभा का साधारण नियमन तामिलनाडु	234—किलिल [र.]		श्री ए. थैकियन, नं. 15-1 ए., मलावंकोत्तिविलाई वेंडु, दनियुरम. डाकघर कन्याकुमारी जिला (तमिलनाडु)	कोई भी लेखा दाखिल नहीं किया।

[सं. 76/तमिलनाडु/86 (1-95)]

O.N. 6.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People/Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses within the time and in the manner as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after the

due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this Order :—

TABLE

S. Particulars of election No.		Name of contesting candidate	Reason for disqualification	
1	2	3	4	5
1. General Election to the House of the People (Tamil Nadu).	6. Arakkonam	Shri M.D. Kalyanasundaram, Account not lodged in Mosur Village and Post. Arakkonam Taluk, North Arcot District (Tamil Nadu).	Account not lodged in the manner.	
2. -do-	18. Nilgiris	Shri V. Subramani, 25 V.P. Street, Coonoor-2, Nilgiris District (Tamil Nadu).	Account not lodged at all.	
3. -do-	-do-	Shri S.A.J. Selvaraj, 1/353 Jothipuram, Coimbatore-641047 (Tamil Nadu).	-do-	
4. -do-	-do-	Shri K. Devappan, 57 E Annamalai Street, Karamadai-641104 (Tamil Nadu).	-do-	
5. -do-	27. Tiruchirapalli.	Shri D. Manuel Raj Kumar, S/o S.C. Duraisamy, 30-2 Vadukku, Dhorowpathiasman Koil Street, Tiruchirapalli-17 (Tamil Nadu).	-do-	

1	2	3	4	5
6.	General Election to the Legislative Assembly (Tamil Nadu).	1. Royapuram	Shri Asaithambi Pandian, A.V.P. alias Soundara Pandian, A.,	Account not lodged at all
7.	-do-	-do-	10-Village Road, Numgambakkam Madras-600034. Shri K. Sampathraj.	-do-
8.	-do-	-do-	41, Thambu Chetty Lane, Royapuram. Madras-600013. Shri C. Elumalai,	-do-
9.	-do-	3.—Dr. Radhakrishnan Nagar.	No. 2, Somu Chetty Street, 3rd Lane, Royapuram, Madras-600013. Shri N. Asokan,	-do-
10.	-do-	-do-	139, Solaiappan Street, Madras-21. Shri R. Gandhi, 10, Main Road, Nehru Nagar, Ennore Road, Tondiarpet, Madras-21.	-do-
11.	-do-	4. Park Town	Shri Murali, K, 193, Vellala Street, Parusawalkam, Madras-84.	-do-
12.	-do-	-do-	Shri M.S. Mani, 83, Cross Street, Madras-39.	-do-
13.	-do-	-do-	Shri Mohamed Bilal, 30, Astabujam Road, Choolai, Madras-112.	Account not lodged within time and manner.
14.	General Election to the Legislative Assembly (Tamil Nadu)	5. Permabur (SC)	Shri K. Anandaraj, 36, V.O.C. Nagar, 3rd Street. Dr. Ambedkar College Road, Madras-12.	Account not lodged at all.
15.	-do-	-do-	Shri P. Sankaralingam, 19, Sadagopa Alwar Street, Magacinapuram, Vyasarpadi, Madras-39.	-do-
16.	-do-	6. Purasawalkam	Smt. S. Selvamary, 20, Nambulier Street, Madras-1.	Account not lodged within time and manner.
17.	-do-	-do-	Shri J. Munirathinam, 4, Subbaraya Chetty, 4th Street,	Account not lodged at all.

1	2	3	4	5
18.	General Election to the Legislative Assembly (Tamil Nadu).	7. Egmore (SC)	2nd Lane (continued), Nammalwarpet, Madras-12. Shri V. Ponniah, 21, Sarangapani Street, G.R. Kuttai, T. Nagar, Madras-17.	Accountant not lodged at all
19.	-do-	11. Chepauk	Shri M. Radhakrishna, 22, Pachaiappa, Chetty Street, Anna Salai, Madras-2.	-do-
20.	-do-	-do-	Shri U. Shantilal Katariya, 67A, Triplicane High Road, Triplicane. Madras-5.	-do-
21.	-do-	19. Alandur	Shri E.R.A. Chandramohan, No. 12, Contonment Complex, Santhai Road. Madras-600043.	Account not lodged within the time and manner.
22.	-do-	34. Ranipet	Shri P. Deenadayalan, S/o Padmanaban, No. 29, Vettirilaikarar Street, Wallajahpet, North Arcot District (Tamil Nadu).	Account not lodged at all.
23.	-do-	-do-	Shri M. Abdul Gaffoor, S/o Abdul Samath, 118B, Vellore Arcot Road, Melvisharam, North Arcot District (Tamil Nadu)	Account not lodged within time and manner.
24.	-do-	47. Anaicut	Shri M. Duraiswamy, 47, Dhalaputy Krishna Samy Street, Palliconda, Vellore Taluk, North Arcot District (Tamil Nadu).	Account not lodged in the manner.
25.	-do-	48. Vellore	Shri P. Subramani, No. 4, Sheriff Ali Subedhar Street, Vellore North Arcot, District (Tamil Nadu).	-do-
26.	-do-	54. Gingee	Shri K. Venugopal, S/o Kuppan, Thennampoondi Village, Kunnapakkam Post, Tindivanam Taluk, South Arcot District (Tamil Nadu).	Account not lodged at all.

1	2	3	4	5
27.	General Election to the Legislative Assembly, (Tamil Nadu).	58. Villupuram	Shri V. Marthandan, S/o Veerappan, 16, Goindaraja-perumal Street, Villupuram, South Arcot District (Tamil Nadu).	Account not lodged at all.
28.	-do-	60. Thirunavalur	Shri L. Arumugam, Karuveppilampalayam Madapattu Post, Ulundurpet Taluk, South Arcot District (Tamil Nadu).	-do-
29.	-do-	62. Nellikuppam	Shri Rajasekaran, Keelkavarapattu Post, Panruti Taluk, South Arcot District (Tamil Nadu).	-do-
30.	-do-	91. Panamarathupatty	Shri K. Ramasamy, Adidravidar Street, Ram Nagar, Ayodiyapattinam Post, Salem-14 (Tamil Nadu).	-do-
31.	-do-	103. Thondamuthur	Shri N. Anthony Kittan, 3/5, Muthipalayam, Thondamuthur Post, Coimbatore, (Tamil Nadu).	-do-
32.	-do-	-do-	Shri K.P. Ethiraj, 4-5, Alamelu Mangammal Layout-1, Street No. 2, Puliakulam, Coimbatore, (Tamil Nadu).	-do-
33.	-do-	-do-	Shri T.N. George, 5/6, Muthipalayam, Thondamuthur Post, Coimbatore (Tamil Nadu).	-do-
34.	-do-	105—Coimbatore (West)	Shri V.A. Ponnusamy Asari, 39/7, Chellappan Lane, Coimbatore-1 (Tamil Nadu).	-do-
35.	-do-	106.—Coimbatore (East)	Shri N. Sundareswaran, 119, Daffadar Street, Kattoor, Coimbatore, (Tamil Nadu).	-do-
36.	-do-	-do-	Shri R.A. Subbian, 77, Rangaraj Layout, New Sidhapudur, Coimbatore, (Tamil Nadu).	-do-

1	2	3	4	5
37.	General Election to the Legislative Assembly (Tamil Nadu).	106. Coimbatore (East)	Shri A. Jayachandran, 13, Sowrispalayam Road, Periyar Nagar, Puliakulam, Coimbatore, (Tamil Nadu).	Account not lodged at all.
38.	-do-	107—Perur	Shri M.A. Kandaswami Gounder, Kizhakkal Thottam, Malumichampatty Post, Coimbatore-641021 (Tamil Nadu).	-do-
39.	-do-	-do-	Shri N. Devadass, 9-B, Palmadam, Perur, Coimbatore-10 (Tamil Nadu).	-do-
40.	-do-	111. Udumalpet	Shri S. Basheer Ahamed, II Ward, Komaralingam P.O., Udumalpet Taluk, Coimbatore District, (Tamil Nadu).	-do-
41.	-do-	114. Pongalur	Shri S. Govindaswamy, S/o Subbu Gounder, Shinnamanickenpalayam, J. Krishnapuram (Post) Kothanur (Via) Palladam Taluk, Pin Code No. 638671 Coimbatore District (Tamil Nadu).	-do-
42.	-do-	115. Palladam	Shri P.A. Krishnamoorthy, S/o Arunachala Gounder, 14, Chennimalai Gounder Street, Ward No. 9, Panappalayam, Palladam, Coimbatore District, (Tamil Nadu).	-do-
43.	-do-	-do-	Shri K.C. Ramasami, S/o Chennimalai Gounder, Pallakaduthottam, Karanampettai P.O., Kangayampalayam (Via), Coimbatore District (Tamil Nadu).	-do-
44.	-do-	116. Tiruppur	Shri L. Kandasamy, S/o L. Lingappan, 32, S.V. Colony, P.N. Road, Tirupur-2, Coimbatore District, (Tamil Nadu).	-do-

1	2	3	4	5
45.	General Election to the Legislative Assembly (Tamil Nadu).	116. Tiruppur	Shri N. Natarajan, S/o P. Nachimuthu Gounder, 1-Aranmanaipudur 2nd Street, Tirupur, Coimbatore District, (Tamil Nadu).	Account not lodged at all.
46.	-do-	-do-	Shri C. Palanisamy, S/o Chinnia Gounder, Murugampalayam, Iduvampalayam Post, Tirupur, Coimbatore District, (Tamil Nadu).	-do-
47.	-do-	126. Coonoor (SC)	Shri L. Kcmali, 3/327 Erisbetta Colony, Mildane P.O., Kotagiri Taluk, Nilgiris District, (Tamil Nadu).	-do-
48.	-do-	152. Karur	Shri S. Karthikeyan, 11D, 2nd Street, Rajalingapuram, Karur, District, Tiruchirapalli, (Tamil Nadu).	-do-
49.	-do-	-do-	Shri M. Santhanam, 98, E.V.R. Salai, Karur, Tiruchirapalli District (Tamil Nadu).	-do-
50.	-do-	154. Marungapuri	Shri S. John Joseph, S/o Santhiyagu, Chidambarathanpatti Post, Manapparai Taluk, (Tamil Nadu).	-do-
51.	-do-	155. Kulithalai	Shri R. Rannavi, S/o Ramasami, Kunnakavandan Patti, (Via) Manapparai, Kulithalai Taluk, Tiruchirapalli District, (Tamil Nadu).	-do-
52.	-do-	-do-	Shri P. Dharmaraj, S/o Ponusami, Inam Alathur (Via) Inpgamalai, Kulithalai Taluk, Tiruchirapalli District, (Tamil Nadu).	-do-
53.	-do-	-do-	Shri P. Rajalingam, S/o Palaniyandi, Poduvarpatti K.	-do-

1	2	3.	4	5
			Periyapatti Post, Manapparai Taluk, Tiruchirapalli District, (Tamil Nadu).	Account not lodged at all.
54.	General Election to the Legislative Assembly. (Tamil Nadu).	156. Thottiam	Shri P. Palaniyandi, S/o Perumal, Scrukudi Post, Musiri Taluk, Tiruchirapalli District, (Tamil Nadu).	-do-
55.	-do-	-do-	Shri R. Thangavel, S/o Ramanathan, Nadukodiampalayam, Mannamedu Post, Musiri Taluk, Tiruchirapalli District, (Tamil Nadu).	Account not lodged within the time and manner.
56.	-do-	158. Musiri	Shri K. Alagumani, S/o Karunakaran, Perur Post, Musiri Taluk, Tiruchirapalli District, (Tamil Nadu).	Account not lodged at all.
57.	-do-	-do-	Shri K.M. Raju, S/o Kulandaivasamy, 2, Turaiyur Road, Street, Musiri, Tiruchirapalli District, (Tamil Nadu).	-do-
58.	-do-	-do-	Shri R. Lakshmanan, S/o Rengasamy, 26, New Street, Samayapuram Post, Lalgudi Taluk, Tiruchirapalli District, (Tamil Nadu).	-do-
59.	-do-	159. Lalgudi	Shri S. Kandasamy, S/o S. Sengamalam, Ambal Talkies Street, Second Colony, Kullakurichi Post, Lalgudi Taluk, Tiruchirapalli District (Tamil Nadu).	-do-
60.	-do-	-do-	Shri S.P. Nagarajan, S/o S.K. Periasami Nadar, Thirumanamedu Post, Lalgudi Taluk Tiruchirapalli District, (Tamil Nadu).	-do-
61.	-do-	160. Perambalur (SC)	Shri N. Srinivasan, S/o Narayanan, Annamangalam, Perambalur Taluk, Tiruchirapalli District, (Tamil Nadu).	-do-

1	2	3	4	5
62.	General Election to the Legislative Assembly (Tamil Nadu).	Pe ambalur (SC)	Shri S. Subramanian, S/o Sellamuthu, 10th Ward, Perambalur, Tiruchirapalli District (Tamil Nadu).	Account not lodged at all.
63.	-do-	163. Andimadam	Shri M. Antonisamy, S/o V.S. Mariyanathan, East Street, Varadharajanpettai-621805, Udayarpalayam Taluk, Tiruchirapalli District (Tamil Nadu).	-do-
64.	-do-	-do-	Shri Natesan Solai, S/o A. Solaimuthu, Siluppanur, Mathur (Via) Udayarpalayam Taluk, Tiruchirapalli District (Tamil Nadu).	-do-
65.	-do-	-do-	Shri S.M. Rajamanickam, S/o Mattaiyan, Sirukalathur (P.O.), Ponparappi (Via) Ariyalur Taluk, Tiruchirapalli District (Tamil Nadu).	Account not lodged within time and manner.
66.	-do-	164. Jayankondam	Shri P. Anbarasan, S/o M. Perumal, 1-A, Kunjithapathapuram, Jayankondam, Tiruchirapalli District (Tamil Nadu).	Account not lodged at all.
67.	-do-	165. Srirangam	Shri P.S. Govindan, 1/A, North Street, Melakondayampettai, Thiruvanaikoil, Tiruchy. (Tamil Nadu).	-do-
68.	-do-	166. Tiruchirapalli-I.	Shri G. Inbasekaran, 21, Sekkadi Street, Palakkai, Tiruchirapalli-1 (Tamil Nadu).	-do-
69.	-do-	-do-	Shri R. Subramani, O-44, Bharathiar Street, Western Side, Jeevanagar, Tiruchirapalli-8, (Tamil Nadu).	-do-
70.	-do-	167. Tiruchirapalli-II.	Shri P. Balu, 7-B, Minnappan Street, Woriyur, Tiruchirapalli-3, (Tamil Nadu).	-do-

1	2	3	4	5
71.	General Election to the Legislative Assembly (Tamil Nadu).	167. Tiruchirapalli-II	Shri N. Ravi, 10, New Street, Puthur, Tiruchirapalli-17. (Tamil Nadu).	Account not lodged at all.
72.	-do-	-do-	Shri M.K. Shanmugam, 15/21, North Muthuraja, Street Puthur, Tiruchirapalli-17, (Tamil Nadu).	Account not lodged within time and manner.
73.	-do-	168. Thiruverambur	Shri K. Chitraputhran, 33, Burma Colony, Thiruverambur, Tiruchirapalli-13.	Account not lodged at all.
74.	-do-	-do-	Shri S. Rethinam 80-A, Rayuthanmedu, Thavakudi, Tiruchirapalli-15. (Tamil Nadu).	-do-
75.	-do-	169. Sirkali (SC)	Shri S. Saminathan, Thiruvali Post, Sirkali Taluk, Thanavur District (Tamil Nadu).	-do-
76.	-do-	171. Mayuram	Shri A. Santhosham, Valakku Theru, Virudanganallur, Manalmedu P.O., Mayila duturai Taluk, District Thanjavur, Tamil Nadu).	-do-
77.	-do-	172. Kuttalam	Shri Ram a Sampath, Keelaveli, Kuttalam, (Post), District, (Thanjavur (Tamil Nadu).	-do-
78.	-do-	173. Nannilam (SC)	Shri N. Selvarasu, River Bank Street, Koolamangalam, M. Nannilam Post, Nannilam Taluk, Thanjavur District, (Tamil Nadu).	-do-
79.	-do-	175. Nagapattinam	Shri K. Kannabiran, 22. Nadu Street, Akkaraipettai, Thanjavur District, (Tamil Nadu).	-do-
80.	-do-	182. Thiruvonam	Shri V. Thenmani, Main Road, Uranipuram, and Post, Orathanad, Taluk, Thanjavur District (Tamil Nadu).	-do-
81.	-do-	184. Thiruvaiyaru	Shri S. Joseph, Christian Harijan Street, Karuppur, Thiruvaiyaru Taluk, Thanjavur District (Tamil Nadu).	-do-

1	2	3	4	5
82.	General Election to the Legislative Assembly, (Tamil Nadu)	187. Kumbakonam	Shri K.A. Alagarsamy, S/o Alagarsami Chettair, No. 36 C, Karnakollai East Street, Kumbakonam, District Thanjavur, (Tamil Nadu).	Account not lodged at all.
83.	-do-	210. Vilathikulam	Shri K.S. Kandasamy, Kamalapuram, Vilathikulam Post, Tirunelveli District (Tamil Nadu).	-do-
84.	-do-	212. Koilpatti	Shri P. Seenirasu, S/o Perumalsamy, 59A, Kathiresan, Koil Street, Koilpatti, Tirunelveli District, (Tamil Nadu).	-do-
85.	-do-	213. Sankaranayanarkoil (SC).	Selvi I. Ulagamaniammal, D/o Ignnasimuthu, Rangasamudram, Keelaneelithanallur, P.O. Sankaranayanarkoil Taluk, Tirunelveli District (Tamil Nadu).	Account not lodged within the time and manner.
86.	-do-	214. Vasudevanallur (SC)	Shri S. Muthiah, 52, Pallikooda Street, Sivagiri, Tirunelveli District (Tamil Nadu).	Account not lodged at all.
87.	-do-	-do-	Shri V. Vijayan, 93, C. Kuvalaikannai Post, Sankarankoil Taluk, Tirunelveli District (Tamil Nadu).	-do-
88.	-do-	220. Cheranmahadevi	Shri P. Arumugam, Harijan II Street, Vadakku Karukurithi, Tirunelveli District (Tamil Nadu).	-do-
89.	-do-	222. Nanguneri	Shri S. Thangapandian, Naduchalaipudur Village and Post, (Via), Mavadi, District Tirunelveli (Tamil Nadu).	Account not lodged at all.
90.	-do-	-do-	Shri A. Pichai, Kadambankulam, Moolaikaraipatti Post, Nanguneri Taluk, Tirunelveli District (Tamil Nadu).	-do-

1	2	3	4	5
91.	232 Naganari	223. Radhapuram	Shri Chithirai Chezhian M, Alias Nellai Chezhallan (Amaichukoil Therku, Valliyoor, Tirunelveli District (Tamil Nadu).	Account not decided at all
92.	-do-	do--	Shri T. Ramasamy, 73, Sivagnanapuram, Varaikulam, Tirunelveli District (Tamil Nadu).	-do-
93.	-do-	-do-	Shri S. Lakshmana Thevar, East Street, Pazhavoor, Tirunelveli District, (Tamil Nadu).	-do-
94.	-do-	229. Nagercoil	Shri S. Devathasan, No. 25-62, Ammandivilai, Muttom Road, Ammandivilai Post, Kanniyakumari, District (Tamil Nadu).	-do-
95.	-do-	234. Killiyoor	Shri A. Thankian, No. 15-1A, Malachankottuvilai, Veedu, Irenipuram P.O. Kanniyakumari District (Tamil Nadu).	-do-

[No. 76/TN/86 (1-95)]

नवी विल्ली, 8 जनवरी, 1986

आ. अ. 7-- सोक प्रतिनिधित्व प्रधिनियम 1951 (1951 आ 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्वारा निर्वाचन याचिका 1985 को 1 में केरल उच्च न्यायालय, एनकुलम का 14 अगस्त, 1985 का निर्णय प्रकाशित करता है।

[सं. 82/केरल लो. स/1/85]  
सा. एल. रोस. सचिव

New Delhi, the 8th January, 1986

O.N. 7.—In pursuance of section 106 of the Representation of the People Act 1951 (43 of 1951), the Election Commission hereby publishes the judgment of the High Court of Kerala at Ernakulam dated 14 August, 1985 in Election Petition No. 1 of 1985.

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT :

The Honourable Justice K. P. Radhakrishna Menon  
Wednesday the 14th August 1985/23rd Sravana 1907  
Election Petition No. 1/85

## PETITIONERS :

N. Sukumaran, S/o Narayanan, Neduthara House,  
Vannala P.O. Cochin-25.  
By Advocate M/s. P. Kesavan Nair and N. Balakrishnan Pillai.

## Respondents :

1. K. V. Thomas, Kuruppasseryveedu, Kumbalanghy, Cochin-7.
2. \*\*\* Returning Officer, No. 11 Ernakulam Parliamentary Constituency & District Collector, Ernakulam, Collectorate, Trikkakara, Ernakulam.
3. \*\*\* Assistant Returning Officer, No. 11 Ernakulam Parliamentary Constituency & Deputy Collector, Ernakulam, Collectorate, Trikkakara, Ernakulam.  
\*\*\* Respondents 2 and 3 are deleted from the party array as per order dated 3-4-85 in CMP. 7495/85.

By Advocates M/s. George Varghese Kannanthanam, P. C. Joseph Pazheparambil, P. Jojo Bernard, Kurien George Kannanthanam, Mammen George Kannanthanam for R1 and Advocate General for R2 and 3.

This Election Petition having been finally heard on 16-7-85 the court on 14-8-85 delivered the following :—

### JUDGEMENT

A petition under Sections 80, 81, 82, 83 and 100 read with Section 117 of the Representation of the Peoples Act (Central Act 45 of 1951) (hereinafter referred to as the Act) for a declaration that the election of the respondent from "No/II, Parliamentary Constituency" is void on the grounds of improper rejection of the petitioner's nomination as also of the corrupt practice, committed by the respondent.

2. The petitioner filed his nomination on 23-11-1984 before the Assistant Returning Officer (for short the A.R.O.). On 28-11-1984, the date fixed for scrutiny, the Returning Officer in the course of the scrutiny found that the petitioner had not made and subscribed to the oath of affirmation according to the form set out for the purpose in the IIIrd Schedule to the Constitution as provided for under Article 84(a) of the Constitution of India. The Returning Officer consequently rejected his nomination.

3. The petitioner submits that on the date fixed for scrutiny, that is, 28-11-1984 the Returning Officer ought to have permitted him to take the oath and inasmuch as he refused the permission, the rejection of the nomination is liable to be declared bad in law.

4. Yet another ground on which the petitioner rests his petition is the corrupt practice said to have been committed by the respondent. The facts pleaded in this regard, briefly stated, are : The Congress (I) party has caused the Government of Kerala to divert huge amounts from the exchequer for payment in the form of pension to "Mukrees" and "Mullas", persons holding religious offices in the Muslim community. This offer to pay pension on the eve of the election, was made with the avowed object of securing the votes of Muslims in the State", the petitioner submits. He has also submitted that a large number of 'Mukrees' and 'Mullas' in No II Ernakulam Parliamentary Constituency have received the payments also. In return, they not only voted for the respondent but also persuaded other Muslim voters to vote for the respondent. The aforesaid payment of pension to 'Mukrees' can be termed as "illegal gratification" for the purpose of securing Muslim votes and as such it amounts to "Corrupt practice" as defined in section 123(1) of the Act.

5. The respondent in his written statement has questioned the veracity of the pleadings, covering the above grounds. In the written statement, the respondent has stated that the petitioner had enough time to take the oath after he filed the nomination on 23-11-1984 and before 28-11-1984, the date fixed for scrutiny of the nominations. He could have taken the oath either before the A.R.O. or any other person authorised in that behalf by the Election Commission. The explanation given by the petitioner that the A.R.O. misled him, resulting in his not taking the oath in time, is baseless. He has no case that he had made any attempts to take the oath during the period between 23-11-1984 and 28-11-1984. The A.R.O. had sent to the home address of the petitioner (it is this address the petitioner had given in his nomination paper). For a 38 notice, informing him that he should take the oath before the date fixed for scrutiny. It is the bounden duty of a candidate for election to take the oath or affirmation before the date fixed for scrutiny. The respondent had denied the allegation in the petition that the Returning Officer and the A.R.O. committed any corrupt practice. The allegations in the petition that Congress (I) whose nominee the respondent is, has indulged in corrupt practice, in that the said party caused the Government of Kerala to divert huge amounts of public money for payment to 'Mukrees' and 'Mullas' as pension, are baseless. The decision to sanction the amounts for the social welfare activities, in fact rests upon the policy decision of the Government evidenced by the speech made by the Finance Minister in the Assembly while presenting the Budget. In fact, there was no payment of pension to anyone, the respondent submits. Whatever that be, the decision of the Government offering to pay pension to the aforesaid personnel in furtherance of the social relief measures under no circumstance can be said to be a corrupt practice within the meaning of Section 123(1) of the Act. The notification of the Government offering the pension, the respondent submits, was not issued either at his instance or with his knowledge, nor was the same issued with the knowledge of

his election agent. The notification did not in any way influence the electorate nor was it intended for the purpose. In any event, it was not intended to help the respondent. The respondent therefore submits that the election petition is liable to be dismissed with costs.

6. The issues arising for consideration are :

- (1) Was the rejection of the nomination of the petitioner illegal ?
- (2) Whether the declaration of the election of the respondent is liable to be held void on the ground that the respondent committed the corrupt practice, pleaded in the election petition ?

7. Disposal of the 1st issue upon the interpretation of Section 36(2) of the Act. Section 36(2) reads :

"36(1).....

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :—

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely :—Articles 84, 102, 173 and 191,

8. Article 84(a) of the constitution of India reads :

"A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule."

(9) The relevant part of Schedule III reads :

"I, A. B., having been nominated as a candidate to fill a seat in the Council of States (Or the House of the People) do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

The cumulative effect of these provisions is that before the date fixed for scrutiny under Section 36(2)(a) a candidate should have made and subscribed the requisite oath or affirmation enjoined by Article 84 of the Constitution of India. Though it is not necessary that the oath should accompany the nomination paper, it is imperative that the oath or affirmation in the form set out for the purpose in the IIIrd Schedule to the Constitution must be made and subscribed before the date fixed by the election commission for scrutiny of nomination papers. In short, the oath aforesaid should be taken by a candidate before the date fixed for scrutiny of the nomination. If that be so, the candidate is not entitled to nor, for that matter, the Returning Officer is bound to entertain the request of a candidate that he should be permitted to take the oath on the date fixed for scrutiny of nomination, even if the request was made before the actual scrutiny of nomination papers.

10. I am fortified in this view by the decisions of the Supreme Court reported in *Pazhurnati Nath v. Harihar Prasad* AIR 1968 SC 1064, *Harjit Singh Mann v. S. Umrao Singh* AIR 1980 SC 701.

11. In the case on hand, it is common ground that the petitioner had not taken the oath or affirmation in the form set out for the purpose in the IIIrd Schedule to the Constitution.

12. Now turning to the facts of the case, it is not the case of the petitioner that he filed the oath or affirmation in the form set out for the purpose before the A.R.O. On

the other hand, what he has pleaded is that the A.R.O. and the Returning Officer, with a view to help the respondent prevented him from taking the oath before the scrutiny of the nomination. This plea is without any substance because the petitioner should have taken the oath or affirmation before any officer authorised in that behalf by the Election Commission, and produced the same before the date fixed for scrutiny. Here it is relevant to note that the only case, the petitioner pleaded and proved is that the A.R.O. did not assist him to take the oath. This argument however, cannot be countenanced because as seen from Ext. P3, Form No. 38, the A.R.O. had informed the petitioner that he should take the oath before the date fixed for scrutiny. The A.R.O. had sent Ext. P3 to the petitioner in his house address (as shown in Ext. P4) by registered post acknowledgement due, 24-11-1984. The Petitioner (as P.M.3) however, has deposed that he received the said notice sent in an envelope, only on the 28th at 2 P.M. He has stated thus in his evidence :

"I already knew when I went to submit my nomination that I should take the oath before the day of scrutiny".

To the question "Did you take any steps before the scrutiny day to take the oath?"—the answer is "I have not taken any steps". He has further deposed :

"....In the nomination paper, I had given any house address only. It is that address that is seen on Ext. P1....I used to receive registered letters to my residential address. I have arranged to receive such letters in my absence in my residence.....The cover containing M38 notice, I have not produced here. It can be ascertained from the cover the date on which the letter was redirected from my residence to the office address. It can be seen from the cover that it relates to the election matter and that it was sent from the office of the Returning Officer."

To the question "Had M38 been accepted at your residence, you would have received M.38 from sufficiently early before the scrutiny date?" P.W.3 (Petitioner) has answered 'Yes' Petitioner as P.W.3 has admit that he should have taken the oath before the scrutiny date. None the less P.W.3 at another stage of the evidence has stated that the A.R.O. made him believe that he had to take the oath only on 28-11-84. The evidence read as a whole, shows that the petitioner was more anxious to establish that the A.R.O. was responsible for his not taking the oath in time. However, it has come out in evidence that the A.R.O. had sent the cover containing M.38 Form to the petitioner on 24-11-1984 to the home address of the petitioner. If he had produced the envelope, it could have been ascertained therefore when the letter reached his house address. Ordinarily this cover containing Form 38 notice would have reached the petitioner in his home address, in any event, on the 26th November because as seen from Ext. P2) It was sent on the 24th to his house address in Ernakulam itself. The reluctance of the petitioner to produce the envelope in evidence is proof enough to hold that the same had reached his home address sufficiently early enabling him to subscribe to the oath or affirmation before the date fixed for scrutiny, making his nomination availed one. The irresistible inference that can be formed in the circumstances is that the facts pleaded and the evidence adduced (P.Ws 1 to 6) to establish that the A.R.O. misled him in regard to the taking of the oath, are the result of an after thought. In his evidence P.W.2 (A.R.O.) has stated that he had advised the petitioner to obtain an oath form from his office and subscribe to the oath on 23-11-1984 itself. He further has deposed that he waited for the petitioner till 3 P.M. for that purpose; but he did not turn up. He therefore directed the concerned clerk to send form 38 not only in the petitioner but to the other candidates who also had not subscribed to the oath. Accordingly the Form 38 notice was sent on 24-11-1984. Thus it can be seen that the allegations against the A.R.O. are baseless. P.W.3 has deposed that he had told the petitioner that the advice given by the A.R.O. that the oath need be taken only after the scrutiny, is not correct. This advice was given on 23-11-1984. The petitioner therefore on 23-11-1984 itself had known that he should take the oath before the scrutiny of the nomination. In these circumstances, the argument of the petitioner that the A.R.O. misled him with regard to the requirement of taking oath before the day fixed for scrutiny, is liable to be rejected. I repeat that

sumo. I accordingly hold that the Returning Officer rightly rejected the nomination of the petitioner.

13. For the reasons stated above, this issue is found against the petitioner.

14. Issue 2. In an election petition, the petitioner should establish by evidence beyond reasonable doubt that the returned candidate committed the corrupt practice, defined under Section 123 of the Act and hence the election is liable to be declared void D. P. Mishra v. K. N. Sharma AIR 1970 S.C. 1477).

15. Regarding this issue, the relevant facts discernible from the pleadings are : In No. II Ernakulam Parliamentary Constituency there are above 2 lakhs Muslim votes. In order to win the support of these voters 'the Congress (I) Whose nominee the respondent is, has caused the Government of Kerala to divert huge amounts from the exchequer "for payment to 'Mukrees' and 'Mullas' who are persons holding religious offices in the Muslim community". This payment has been styled as pension. The petitioner submits that this payment had been made for securing the Muslim votes in the State. A large number of 'Mukrees' and 'Mullas' in the No. II Ernakulam Parliamentary Constituency "received the payment". In return they not only voted for the respondent but also persuaded other Muslim voters to vote for the respondent. The Election Commission had called for an explanation from the Government as to why the pension was paid on the eve of the election. The explanation submitted by the Government, it is said, was not satisfactory. The pleadings conclude thus :

"The aforesaid payment of mukree pension had been by way of illegal gratification for the purpose of securing votes. It amounts to corrupt practice as defined in Section 123(i) of the Act".

16. The respondent has denied these allegations. It has been stated in the written statement that "The decision to sanction amounts for the social welfare activities as stated above is of the Government in which different parties participate." The respondent has also denied the statement that a large number of 'Mukrees' and 'Mullas' in the constituency are the recipients of the pension. The respondent submits that so far his information goes no such amount so far was disbursed to any one before the election. He has specifically denied the allegation that, "they not only voted for the respondent but also persuaded other voters to vote for the respondent". The respondent has further stated that the notification was not issued either at the instance of the respondent or with his knowledge. Nor for that matter the notification was issued with the knowledge of the respondent's election agent. In fact the notification is based on the statement contained in paragraph 50 of the Budget Speech of the Finance Minister delivered in the Assembly while presenting the Budget for 1984-85 (Vide Ext. PII(a)). This speech was delivered on 16-3-1984. If that be so, the respondent submits, the question whether the respondent committed any corrupt practice in the election, requires to be answered against the petitioner. The respondent accordingly submits that the petition is liable to be dismissed. Relevant parts of Section 123 reads :

"123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act—

(i) 'Bribery' that is say,—

(A) any gift, offer or promise by a candidate of his agent or by any other person with the consent of a candidate or his election agent of any gratification to any person whomsoever, with the object, directly or indirectly, or inducing—

(a) .....

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) .....

(ii) .....

The conditions that should be satisfied in order to attract the above provisions, are that the gift was made by the candidate or his agent or by any other person with the consent of the candidate or his election agent and that the

gratification was made with the object directly or indirectly of inducing an elector to vote or refrain from voting at an election. There is thus an element of bargaining between the candidate and the voters. It therefore follows that in an election petition coming under Section 100(i)(b), the petitioner should establish that the gift, offer or promise was made by the returned candidate himself or his agent or by any other person with his consent or his election agent. I am fortified in this view by the following decisions of the Supreme Court.

Ghasi V. Dal Singh, A.I.R. 1968 S.C. 1191  
 Om Prabha v. Abhnash Chand, A.I.R. 1968 S.C. 1083  
 Om Prakash v. Lal Chand A.I.R. 1970 S.C. 1889, and  
 Harjit Singh v. Umrao Singh A.I.R. 1980 S.C. 701.

17. There is no evidence in this class that the notification Exts. P9 and P10 offering payment or pension to 'Mukrees' and 'Mullas' were published by the Government at the instance of the respondent. On the other hand, what is seen is that the Government were obliged to issue the said notifications in view of its commitments discernible from paragraph 50 of Ext. Pl(a) the Budget Speech delivered by the Finance Minister in the House while presenting the Budget for 1984-85. Here it is also relevant to note that the State Government is a coalition Government and therefore it is too much to say that the Government have issued Exts. P9 and P10 notifications at the instance of a candidate belonging to one of the constituents of the coalition Government. The oral evidence tendered in the case also does not establish that the offer of the pension was made either by the respondent or his agent or his election agent or by any other person with the consent of the respondent or his election agent. On the other hand, the evidence shows that the Government offered to pay pension to Mukrees and Mullas. P.W.7 in his chief-examination has stated :

"....The candidate Shri Thomas told me that the Government have given some benefits in the form of pension to 'Mullas' belonging to our community. Musaliar was called to my house. Shri Thomas told Musaliar also about his. Musaliar wanted me to go to the Mosque where a meeting was convened. When I went there Musaliar told me that I should vote for the candidate who is having this as symbol. Accordingly I voted for the Congress candidate. Musaliar is available in the locality".

The evidence tendered by this witness is not corroborated by any other evidence. According to him, the promise to give the benefit in the form of pension is to the Mullas. But it was Musaliar who was called to his house to enable to respondent to tell him about the pension. the Government would give to Mullas. The Musaliar is even now available. However, he has not been examined. He would have been the best witness. Why he was not examined has not been explained by the petitioner. In his cross-examination P.W.7 has stated :

"I do not know the name of Musaliar. But he is known as 'Mash'..... I cannot remember the date when

In the result, the election petition is dismissed with costs.

The Registrar shall immediately intimate the substance of the decision to the Election Commission and the Speaker of the Lok Sabha and shall thereafter send as soon as practicable an authenticated copy of this judgement to the Election Commission as required under Section 103 of the Act.

14th August, 1985.

Sd/-  
 K.P. RADHAKRISHNAMENON  
 Judge.

[true copy]

#### APPENDIX

##### Petitioner's Exhibits :

Ext. P1 dt.	Nil
Ext. P2 ,	28-11-84

Postal acknowledgement.
Proceedings of the returning Officer,
No. 11 Ernakulam Parliamentary Constituency and District Collector, Ernakulam.

Shri K. V. Thomas met me in connection with the election. I cannot definitely say whether I met him on a Tuesday or not. It appears that it was on a Tuesday..... There was hardly any time for Thomas to talk with us. He left the place by saying that he has already spoken to the Musaliar and Mulla. Musaliar called me to the Mosque, the next day of the visit of Shri Thomas in the locality. Musaliar did not tell me in my residence that I should vote for Congress. But he told me so only at the Mosque....."

It can thus be seen from this evidence that the Musaliar summoned the witness to the Mosque to tell him that he should vote for the Congress. The witness. The witness has no case that teh Musaliar in fact convened a meeting at the Mosque and at the said meeting exhorted the gather in that they should vote for the Congress because the Government have decided to give the Mullas and Musaliar benefits in the Form of pension.

18. P.W. 8 on the other hand has deposed that, "The Mukree told me that I shall leave the mosque after prayers where others also. Mukree called all present and told us that Mukree pension has already been passed. You must exercise your franchise in favour of thomas who belongs to the Ruling party if that has done, the Mukree pension will be passed easily....." In this cross-examination he has stated:

"Except Mukri, none of the other authorities had told me nothing else."

19. P.W. 7 says that it was the Musaliar who told him that he should vote for the respondent whereas according to P.W. 8 the Mukree convened a meeting and told the gathering that they should vote for the Congress. According to P.W. 8, Mukree is "the lowest in the Mosque." His function according to him is cleaning as also announcing the prayer (Vark). According to P.W. 7, Musaliar was present in the mosque and Musaliar admittedly is more competent to take decisions than Mukree. On a comparison of the evidence tendered by P.Ws. 7 and 8, it can be seen that these witnesss have given contradictory versions of the petitioner's case of 'Corrupt practice committed by the respondent' which again is different from the version given by the witnesss. I therefore have no hesitation to reject the evidence tendered by P.W.7 and 8 as unbelievable.

20. It is by now well established that the evidence adduced in a petition where corrupt practice is pleaded must clearly show that the gift, offer or promise was directly or indirectly made to the voter to vote or refrain from voting to a candidate. The proof required to establish corrupt practice must partake of the character of the proof necessary to establish a criminal charge. (Vide AIR 1968 SC 1191) If the be so, the petitioner has not established the allegations in the petition that the respondent committed corrupt practice within the meaning of Section 123(1)(b) of the Act in the election. This issue therefore is answered against the petitioner.

Ex. P 3 dt.	24-11-85	Postal receipts -3 Nos. (Registered articles)
Ext. P.3(a)	„	Do. No. 1371
Ext. P3(b)	„	Do. No. 1372
Ext. P3(c)	„	Do. No. 1373
Ext. P4 „	23-11-84	Copy of notice of nomination in Form 3A of Ernakulam Parliamentary Constituency
Ext. P.5		Postal Acknowledgement.
Ext. P6		Do.
Ext. P.7 „	23-11-84	Receipt for nomination paper and Notice of Scrutiny.
Ext. P8 „	„	Memo No. C-99610/84 of the returning Officer II, Ernakulam Parliamentary Constituency.
Ext. P9 „	28-11-84	Copy of Order No. G.O. (MS) 1133/84/RD of the Revenue (F) Department.
Ext. P10 „	29-11-84	Copy of Order No. G.O. (MS), 1133/84 of the Revenue (F) Department.
Ext. P11	dt. 16-3-1984	Budget speech by the Minister of Finance (Budget 84-85)
Ext. P11(a)	dt. Nil	Page 21

**Respondents Exhibits :**

Nil

**Petitioner's Witnesses**

1. Shri M.P. Joseph, District Collector, Ernakulam.
2. Shri C.B. David
3. Shri N. Sukumaran
4. Shri A.A. Kochunni
5. Shri I. Velayudhan
6. Shri Mohanachandrasekaran Nair K.P.
7. Shri Moitunny
8. Shri Muhammadali.

**Respondent's Witnesses:**

Shri K.V. Thomas.

Cost to the respondent—Rs. 2,000/-

Sd/-  
 Assistant Registrar  
 [No. 82/KL-HP/1/85]  
 By order,  
 C. L. ROSE, Secy.

**आवेदन**

नई दिल्ली, 7 जनवरी, 1986

आ. अ. 8.—निर्वाचन आयोग का समाधान हो गया है कि नोचे को सारणी के स्तम्भ (2) में यथा विनिर्विष्ट विधान सभा के साधारण, निर्वाचन के लिए जो स्तम्भ (3) में विनिर्विष्ट निर्वाचन ध्वेत से हुआ है, स्तम्भ (4) में उसके सामने विनिर्विष्ट निर्वाचन लड़ने वाला प्रत्येक अधिकारी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन धर्यों का लेखा सभय के अन्तर्गत और/अथवा अपेक्षित रीति से दाखिल करने में असफल रहा है;

और उक्त अधिकारी ने सम्यक सूचना दिये जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उसके द्वारा दिये गए अप्पायेदनों पर, यदि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः, भव, निर्वाचन आयोग उक्त अधिनियम की द्वारा 10-क के अनुसरण में नोचे को सारणी के स्तम्भ (4) में विनिर्विष्ट धर्यों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य ध्वेत को विधान सभा अथवा विधायक परिषद के सदस्य चुने जाने और होने के लिए आवेदन को सारोक से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है

## सारणी

क्रम संख्या	निर्वाचन का विवरण संसदीय/विधान सभा निर्वाचन क्षेत्र की अ. सं. और नाम	निर्वाचन लाइने वाले अध्यर्थी का नाम और पता	निर्वाचन लाइने वाले अध्यर्थी का नाम और पता	निर्वाचन का कारण
1	2	3	4	5
1.	विधान सभा का साधारण निर्वाचन	2—जशीपुर (अ.ज.जा.)	श्री माधव नायक, कुजीपाम्ब, पौ. भारामारपोसी, जिला मयूरभंज (उड़ीसा)	विधि द्वारा अपेक्षित रीति व समय में निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
2.	—वही—	17—नीलगिरी	श्री गुरा टुडू, गांव तेलीपाल, पौ. तेलीपाल, जिला बालासीर (उड़ीसा)	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
3.	—वही—	26—धर्मसाला	श्री बैरामी विसवाल ग्राम—पौ. मिरजा—पुर वाया धर्मसाला जिला कट्टक (उड़ीसा)	—वही—
4.	—वही—	32—राजनगर	श्री बसंता कुमार सेठी, ग्राम—पौ. महाकालापाड़ा, जिला कट्टक (उड़ीसा)	विधि द्वारा अपेक्षित रीति व समय में निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
5.	—वही—	33—केन्द्रपारा	श्री रसानन्दा मंथन, गांव इन्डाली (छकना), पौ. इन्डाली, जिला कट्टक (उड़ीसा)	निर्वाचन व्यय का कोई भी लेखा दाखिल नहीं किया।
6.	—वही—	34—पटकुरा	श्री माधुरानाडा नाथ, गांव गोविन्दपुर, पौ. कलाभुवा, जिला कट्टक (उड़ीसा)	—वही—
7.	—वही—	37—बालीकुडा	श्री दुलेश्वर नायक, गांव तारासाही, पौ. भछगांव थाना बालीकुडा, जिला कट्टक (उड़ीसा)	—वही—
8.	—वही—	40—महनगा	श्री बदीरहीन खान, पराहराजपुर, पौ. गीटारा, जिला कट्टक (उड़ीसा)	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
9.	—वही—	41—सोलपुर (अ.जा.)	श्री हरेकृष्ण मलिक, बिश्वानाथपुर, पौ. सत्याभासपुर, जिला कट्टक (उड़ीसा)	विधि द्वारा अपेक्षित रीति व समय में निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
10.	—वही—	43—कट्टक सदर	श्री कानूचरण मलिक, माधुपटना, जिला कट्टक (उड़ीसा)	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
11.	—वही—	—वही—	श्री मीहर कुमार पांडा, खापुरिया लेवर कालोनी, कट्टक (उड़ीसा)	—वही—
12.	—वही—	44—कट्टक शहर	श्री बिजया मोहपत्रा, मिर्या बाजार कट्टक (उड़ीसा)	—वही—
13.	—वही—	65—जगनाथ प्रसाद (अ.जा.)	श्री सुरेन्द्रा नाथ पता, पौ. बुगुडा, जिला गंजम (उड़ीसा)	—वही—
14.	—वही—	96—धर्म गढ़ा (अ.जा.)	श्री पंडेव बाग, गांव भाटामानी पौ. नंगलबोड़, जिला कलाहन्दी (उड़ीसा)	—वही—
15.	—वही—	114—बीरमहाराजपुर	श्री अनन्दा चन्द्र बेहरा, धुरापाली, पौ. राजकिशोर नगर, जिला धनकानल (उड़ीसा)	विधि द्वारा अपेक्षित निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
16.	—वही—	139—राऊरकेला	श्री हरोबन्धु नाग, जी/171, सेक्टर-1 राऊरकेला, सुन्दरगढ़ (उड़ीसा)	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।

## ORDERS

New Delhi, 7th January, 1986

O.N. 8:—Whereas the Election Commission is satisfied that each of the contesting candidates specified in col. 4 of the table below at the election to the Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account within the time and/or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representations made by them, if any is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

## TABLE

Sl. No.	Particulars of election	S. No. & Name of the Assembly Constituency	Name of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General election to the Legislative Assembly.	2—Jashipur(ST)	Shri Madhab Naik, At-Kujiamb, P.O. Bharamarposi, Distt. Mayurbhanj, Orissa.	Failed to lodge account within the time and in the manner required by law.
2.	-do-	17—Nilgiri	Shri Gura Tudu, Vill. Telipal, P.O. Telipal, Distt. Balasore, Orissa.	Failed to lodge any account.
3.	-do-	26—Dharamsala	Shri Bairangi Biswal, At & P.O. Mirzapur, Via-Dharamsala, Distt. Cuttack, Orissa.	-do-
4.	-do-	32—Rajnagar.	Shri Basanta Kumar Sethi, Vill. Mahakalapada, P.O. Mahakalpada, Distt. Cuttack, Orissa.	Failed to lodge account within the time and in the manner required by law.
5.	-do-	33—Kendrapara.	Shri Rasananda Mathan, Vill. Indalo, (Chhakana), P.O. Indalo, Distt. Cuttack, Orissa.	Failed to lodge any account.
6.	-do-	34—Pathkura.	Shri Mathurandanand Nath, Vill. Gobindapur, P.O. Kalabuda, Distt. Cuttack, Orissa.	-do-

1	2	3	4	5
7.	General election to the Legislative Assembly.	37—Balikud	Shri Dhuleswar Nayak, Vill. Tarasahi, P.O. Machhagaon, P.S. Balikuda, Dist. Cuttack, Orissa.	Failed to lodge any account.
8.	-do-	40—Mahanga.	Shri Badiruddin Khan, At—Praharjpur, P.O. Getara, Distt. Cuttack (Orissa).	-do-
9.	-do-	41—Salepur(SC)	Shri Harekrushna Mallick, At—Biswanathpur, P.O. Satyabhampur, Dist. Cuttack (Orissa).	Failed to lodge account within the time and in the manner required by law.
10.	-do-	43—Cuttack Sadar	Shri Kanhucharan Mallick, Madhupatna, Cuttack (Orissa).	Failed to lodge any account.
11.	-do-	43—Cuttack Sadar	Shri Mihir Kumar Panda, Khapuria Labour Colony, Cuttack (Orissa).	-do-
12.	-do-	44—Cuttack City	Shri Bijaya Mahapatra, Meria Bazar, Cuttack (Orissa).	-do-
13.	-do-	65—Jaganath- Prasad (SC)	Shri Surendra Nath Patra, At/P.O. Buguda, Dist. Ganjam (Orissa).	-do-
14.	-do-	96—Dharmagarh	Shri Pandru Bag, Vill. Bhatapani, Post. Nangalbod, Dist. Kalahandi (Orissa).	-do-
15.	-do-	114—Biramrajpur	Shri Ananda Chandra Behra, At—Dhorapali, PO. Rajkishorenagar, Dist. Dhenkanal (Orissa).	Failed to lodge account in the manner required by law.
16.	-do-	139—Rourkela	Shri Haribandhu Nag, G/171, Sec. 1 Rourkela, Sundargarh (Orissa).	Failed to lodge any account.

[No. 76/OR-LA/85]

ग्रा. ग्रा. 9—निर्वाचन आयोग का समाधान हो गया है कि नोंचे को सारणों के स्तम्भ (2) में यथा विनिर्दिष्ट लोड समा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अस्थिरी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धोन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणों के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्ययों का लेखा समय के अन्तर्गत और/प्रथमा अपेक्षित रोति से दाखिल करने में असफल रहा है;

और उक्त अस्थिरियों ने सम्यक सूचना दिये जाने पर भी उक्त असफलता के लिए या तो कोई कारण

प्रथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त सफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नोंचे को सारणों के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघराज्य क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश को सारीख सीन की कालायधि के लिए निरहित घोषित करता है।

सारणी

क्रम संख्या	निर्वाचन का विवरण संसदीय/विधान सभा निर्वाचन क्षेत्र को क्र.सं. और नाम	निर्वाचन लड़ने वाले अध्यर्थी का नाम और पता	निरहृता का कारण
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( 1 )	( 2 )	( 3 )	( 4 )	( 5 )
1. लोक सभा का साधारण निर्वाचन	16-बोलंगीर	श्रो महादेव मासो मानोगांव, पी. चुलोकुका, थाना बनगोमुडा, जिला बोलंगीर (उडीसा)	विधि द्वारा अनेकित निर्धारित व्यदों का लेखा वाखिल नहीं किया ।	

[सं. 76/उडीसा-लौ. स. 185]

O.N. 9.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account within the time and or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder:

And whereas the said candidate have either not furnished any reason or explanation for the said failure even after due

notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this Order.

TABLE

S. Particulars of Election No.	S. No. & Name of the Parliamentary Constituency	Name & Address of the Contesting Candidate	Reason for Disqualification	
(1)	(2)	(3)	(4)	(5)
1. General Election to the House of the People	16-Balangir	Shri Mahadeb Majhi, At-Manigaon, P.O. Chuliphunka, P.S. Bangomunda, Distt. Balangir, Orissa.	Failed to lodged account in the manner required by law.	

[No. 76/OR-HP/85]

प्रा. अ. 10.—निर्वाचन प्रायोग का समाधान हो गया है कि नीचे की सारणों के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अध्यर्थी, लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणों के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्यय का लेखा समय के अंतर्गत और प्रथम अपेक्षित रोति से दाखिल करने में असफल रहा है;

और उक्त अधियियों ने सम्पूर्ण सूचना दिये जाने पर भी उक्त असफलता के लिए या तो कोई कारण अध्या

स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए आध्यात्मिक वेदनों पर, यदि कोई हों, विचार करने के पश्चात् निर्वचित आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीचे की सारणों के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघराज्य क्षेत्र को विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश को तारीख से तीन दर्जे को कालावधि के लिए निरहित घोषित करता है।

## सारणी

क्रम संख्या	निर्वाचन का विवरण संसदीय निर्वाचन क्षेत्र की संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहृता का कारण	
(1)	(2)	(3)	(4)	(5)
1.	लोक सभा का साधारण निर्वाचन, 1984	अण्डमान निकोबार द्वीप समूह	श्री कन्दास्वामी, 130 मुक्का पहार, बेदनाबाद, दक्षिण अण्डमान	निर्वाचन व्यव लेखा दाखिल न करना।
2.	—वही—	—वही—	श्री बिस्वास महानन्दा, गांव व पी. निम्बुटाला, मध्य अण्डमान, रानवाट	—वही—

[सं. 76 /अ. नि./85]

O.N. 10.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the general election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account within the time and or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due

notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this Order.

## TABLE

S. Particulars of Election No.	S. No. & Name of the Parliamentary Constituency	Name & Address of the Contesting Candidate	Reason for Disqualification	
(1)	(2)	(3)	(4)	(5)
1. General Election to Lok Sabha, 1984	Andaman and Nicobar Islands	Shri Kandaswamy, 130, Mucca Pahar, Beadonabad, South Andaman	Failure to lodge any account of election expenses.	
2. -do-	-do-	Shri Biswas Mahananda, Vill. & P.O. Nimbutala, Middle Andaman, Rangat.	-do-	

[No. 76/ANI/85]

आ० अ० 11 :—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के साधारण निर्वाचन के लिये जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वारा बनाये गये नियमों द्वारा अनेक उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन अभ्यर्थी का लेखा समय के अन्तर्गत और अयातीति से दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिये जाने पर भी उक्त असफलता के लिये या तो कोई कारण अथवा स्वल्पीकरण नहीं दिया है या उनके द्वारा दिये गये अभ्यावेदनों पर, यदि कोई हैं, विचार करने के पश्चात्, निर्वाचन आयोग का यह समाधान है गया है कि उनके पास उक्त असफलता के लिये कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-न के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और हाने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरर्हित घोषित करता है।

### सारणी

क्रम संख्या	निर्वाचन का विवरण संसदीय विधान सभा निर्वाचन क्षेत्र की क्र०सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्हित का कारण	
(1)	(2)	(3)	(4)	(5)
1. लोक सभा का साधारण निर्वाचन,	23-कलकत्ता दक्षिण	श्री शेक सुलतान, 21, ब्रोड स्ट्रीट, कलकत्ता-19	विधि द्वारा अनेकत निर्वाचन व्ययों का लेखा दाखिल नहीं किया।	
2. —वही—	—वही—	श्री एम०के० रत्नाम, 5/18 एफ०सेवक बेरीधया स्ट्रीट, कलकत्ता-29	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।	

[सं० 76/प० बं०/85]

O.N. 11.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account with the time and or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due

notice or the Election Commission, after considering the representations made by them, if any is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this Order.

TABLE

Sl. No.	Particulars of Election	S. No. & Name of the Parliamentary Constituency.	Name of the Contesting Candidate	Reason for Disqualification
(1)	(2)	(3)	(4)	(5)
1.	General Election to the House of the People	23-Cuttack South	Shri S.K. Sultan, 21, Broad Street, Cuttack-19	Failed to lodge account in the manner required by law.
2.	General Election to the House of the People	23-Cuttack South	Shri M.K. Ratnam, 5/18F, Sewak Baridya Street, Cuttack-29	Failed to lodge any account.

[No. 76/WB/85]

आ० अ० 12:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट गोदा, दमण और दोब विधान सभा 1984 के साधारण निर्वाचन के लिये जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन-लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धोन बनाये गये नियमों द्वारा अनेकत उक्त सारणी के स्तम्भ (5) में यथा उपर्युक्त रूप

में अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्पूर्ण सूचना दिये जाने पर भी उक्त असफलता के लिये या तो कोई कारण अथवा स्पष्टोकरण नहीं दिया है या उनके द्वारा दिये गये अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है, कि उनके पास उक्त असफलता के लिये कोई पर्याप्त कारण या न्यायोचित नहीं है;

भ्रतः, अब, निवाचिन आयोग उक्त अधिनियम की धारा 10-A के अनुसरण में नीचे की सारणी के स्तरम् (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या

किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

## सारणी

क्र० निवाचिन का विवरण सं०	निवाचिन-क्षेत्र की क्र०सं० और नाम	निवाचिन लड़ने वाले अभ्यर्थी का नाम व पता	निरहिता का कारण (5)
(1) (2)	(3)	(4)	(5)
25. गोवा, दमण और दीव विधान सभा का साधारण निवाचिन, 1984	16-सिरोदा	श्री डी-एस्टेट एन्जल सेबास्टियो, म०नं० 95, पंचवाडी, अम्बलई, पोन्डा, गोवा	विधि द्वारा अपेक्षित निवाचिन व्ययों का लेखा दाखिल करने में असफल रहे।
26. —वही—	—वही—	श्री शेत शिरोफर नारायण राम, म०नं० 1091 बाजार शिरोदा-गोवा	—वही—
27. —वही—	18-रिवोना	श्री गोन्कर गुरगुरो गुर्को, म०नं० 658/1, शिवारेम रिवोना, गोवा-40375 संगुअम गोवा।	—वही—
28. —वही—	27-डबोलिम	श्री फेनान्डेस टेलेंटिनो डाओनिसियो, 363, कोस्टावाडो, मजोरडा, सलसेटे, गोवा।	—वही—

[सं० 76/गोवा/84 (25-28)]

O.N. 12.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General election to the Goa, Daman and Diu Legislative Assembly, 1984 as specified in column (2) and held from the Constituency specified in column (3) against his name has failed to lodge the account of his election expenses as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due

notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this Order.

## TABLE

Sl. Particulars of Election No.	Sl. No. & Name of the Constituency	Name & Address of the Contesting Candidate	Reason for Disqualifi- cation	
(1)	(2)	(3)	(4)	(5)
25. General Election to the Goa, Daman and Diu Legislative Assembly, 1984	16-Siroda	Shri D'easte Angel Sebastiao, H. No. 95, Panchwadi, Ambrai Ponda, Goa.	Failed to lodge any account of election expenses.	
26. -do-	-do-	Shri Shet Shirodkar Narayan Ram, H. No. 1091, Bazar Shiroda, Goa.	-do-	
27. -do-	18-Rivona	Shri Gaunkar Gurguro Gurko, House No. 658/1, Shivarem Rivona, Goa-403705, Sanguem Goa	-do-	
28. -do-	27-Dabolim	Shri Fenandes Talentino Dionisio, 363, Costawado, Majorda, Salcete, Goa	-do-	

[No. 76/GOA/84 (25-28)]

प्रा०म० 13.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के साधारण निर्वाचन के लिये जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदर्थीन बनाये गये नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपर्युक्त रूप में अपने निर्वाचन व्यायों का लेखा समय के अन्तर्गत और/अथवा अपेक्षित रेति से दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिये जाने पर भी उक्त असफलता के लिये या तो कोई कारण अपना

स्पष्टोकरण नहीं दिया है या उनके द्वारा लिये गये अध्यावेदनों पर, यदि कोई हो, विवार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिये कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः ग्रन्थ, निर्वाचन आयोग उक्त अधिनियम को धारा 10-के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघराज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस ग्रांडेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

### सारणी

क्रम संख्या	निर्वाचन का विवरण संख्या और नाम	संसदीय निर्वाचन क्षेत्र की संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निर्देश का कारण
(1)	(2)	(3)	(4)	(5)
1.	लोक सभा का साधारण निर्वाचन 1984 (बिहार राज्य से)	13—मधुबनी	श्री मुकित मोहन सिंह, ग्राम-पो० शाहपुरा, वाया बसैठ चानपुरा, जिला मधुबनी, (बिहार)	लेखा दाखिल नहीं किया।
2.	—वही—	—वही—	श्री रवि कुमार, मुसासाह विर्लिङ्ग, टावर धोक, दरभंगा (बिहार)	—वही—
3.	—वही—	—वही—	श्री विजय कुमार गुप्ता, ग्राम-पो० देवधा, थाना जयनगर, जिला मधुबनी (बिहार)	—वही—
4.	—वही—	14—मंसारपुर	श्री उमाकान्त राय, ग्राम मंगरोना, पो० गनौली, वाया अन्धराठाड़ी, जिला मधुबनी (बिहार)	—वही—
5.	—वही—	15—दरभंगा	श्री बृज किशोर साहनी, मोहल्ला बेत्ता रोड, साहगंज, लहरियासारा, दरभंगा (बिहार)	लेखा रीति में नहीं दाखिल किया।
6.	—वही—	34—नालन्दा	श्री गिरजा मलाकर, पो० सान्दा, वाया इसलामपुर, नालन्दा (बिहार)	ले द्वा दाखिल नहीं किया।
7.	—वही—	—वही—	श्री रामदेव जमादार, ग्राम व पो० पारथु, एकाप्र मराय, जिला नालन्दा (बिहार)	—वही—
8.	—वही—	—वही—	श्री विशेषर सिंह, ग्राम मोरगंज सारमेरा, जिला नालन्दा (बिहार)	—वही—
9.	—वही—	41—जहानाबाद	श्री अकोल अंजीज, मोहल्ला लाल मंदिर के पूर्व नगर- पालिका, वार्ड नं० 11, जहानाबाद, गया (बिहार)	लेखा रीति में नहीं है।

10.	लोक सभा का साधारण निर्वाचन, 1984 (बिहार राज्य से )	41—जहानाबाद	श्री राम रत्न चौधरी, ग्राम शैदपुर पो० लक्ष्मीपुर, थाना घोसी, गया (बिहार)	लेखा रोति में नहीं है
11.	—वही—	—वही—	श्री जय नन्दन शर्मा, ग्राम सुरदासपुर, पो० मोदनगंज, जुल्कीपुर (गया)	लेखा वाखिल नहीं किया है।
12.	—वही—	—वही—	श्री विरेन्द्र कुमार सिंह, ग्राम एवं पो० गडिहारा, थाना मसौढ़ी, जिला पटना (बिहार)	—वही—
13.	—वही—	—वही—	श्री राम जतन प्रसाद, ग्राम विरौधा भठ, पो० मोदनगंज, थाना घोसी, जिला गया (बिहार)	लेखा दाखिल नहीं किया।
14.	—वही—	—वही—	मो० युसुफ आजाद, नियु महल्ला जहानाबाद, वार्ड नं० 4, पो० जहानाबाद, गया (बिहार)	—वही—
15.	—वही—	—वही—	श्री सत्य प्रकाश सिंह, ग्राम सेवनन, पो० नदील,	—वही—
16.	—वही—	44—चतरा	थाना जहानाबाद, जिला गया (बिहार)	निर्वाचन व्यय का लेखा वाखिल नहीं किया।
17.	—वही—	—वही—	श्री फोदार यादव, ग्राम व पो० चन्दौली, थाना चन्दौली, जिला गया (बिहार)	—वही—
			श्री विनोद सिंह, ग्राम व पो० मालहन, थाना चन्दौला, जिला पलामू (बिहार)	—वही—

[सं० 76/बिहार-ला०स०/85]

O.N. 13.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the table below at the general election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge account of his election expenses or failed to lodge the account within the time and or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declared the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

## TABLE

S. No.	Particulars of election	S. No. & Name of the Parliamentary Constituency	Name & Address of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to Lok Sabha, 1984. (from Bihar State)	13—Madhubani	Shri Mukti Mohan Singh, Vill. & P.O. Shahpur, Via—Basaith Chanpura, Dist. Madhubani, Bihar.	Account not lodged.

1	2	3	4	5
2.	General Election to Lok Sabha, 1984. (from Bihar State)	13—Madhubani	Shri Ravi Kumar, Musa Sah Building, Tower Chowk, Darbhanga (Bihar)	Account not lodged
3.	-do-	-do-	Shri Vijay Kumar Gupta, Vill. & P.O. Dewdha, Jaynagar, Madhubani (Bihar)	-do-
4.	-do-	14—Jhanjhar Pur	Shri Uma Kanta Rai, Vill. Mangrauni, P.O. Ganauli, Via-Andhrathari, Dist. Madhubani, Bihar.	Failed to lodge any account.
5.	-do-	15—Darbhanga	Shri Braj Kishore Sahni, Moh. Benta Road, Sahganj, P.O. Laheriasara, Darbhanga (Bihar)	Account lodged not in the manner.
6.	-do-	34—Nalanda	Shri Girja Malakar, P.O. Sanda, Via—Islampur, Nalanda (Bihar)	Failed to lodge any account.
7.	-do-	34—Nalanda	Shri Ramdev Jamadar, Vill. & P.O. Parthu, Ekanagarsarai, Nalanda (Bihar)	-do-
8.	-do-	34—Nalanda	Shri Visheshwar Singh, Vill. Mirganj Sarmera, Dist. Nalanda Bihar.	Failed to lodge any account.
9.	-do-	41—Jehanabad	Shri Akil Ajit, Mahalla Lal Mandir, (East Side) Jehanabad Ward No. 11, Gaya, Bihar.	Failed to lodge the account in manner.
10.	-do-	41—Jahanabad	Shri Ram Ratan Choudhary, S/o Aganu Chaudhary, Vill. Saidpur, P.O. Lakhawar, P.S. Ghosi, Gaya, Bihar.	Failed to ledger the account in the manner.
11.	-do-	41—Jahanabad	Shri Jai Nandan Sharma, S/o Padanathsingh, Vill. Surdaspur, P.O. Modan ganj, Julaphipur, Gaya, Bihar.	Failed to ledger any account.
12.	-do-	41—Jahanabad	Shri Birendra Kumar Singh, S/o Mahabir Singh, Vill. & P.O. Gadihara, P.S. Masauri, Patna, Bihar.	Account not lodged.
13.	-do-	41—Jahanabad	Shri Ram Jatan Prasad, S/o Ghanshyam Mahaato, Vill. Piraundhamath, P.O. Modanganj, P.S. Ghosi, Gaya, Bihar.	-do-

1	2	3	4	5
14.	General Election to Lok Sabha, 1984. (from Bihar)	41—Jahanabad	Md. Yusuf Azad, S/o Karim Mia, New Mahalla, Ward No. 4, P.O. Jahanabad, Gaya (Bihar)	Account not lodged.
15.	-do-	41—Jahanabad	Shri Satya Prakash Singh, S/o Rajendra Singh, Vill. Sewanan, P.O. Nadaul, P.S. Jehanabad, Dist. Gaya (Bihar)	-do-
16.	-do-	44—Chatra	Shri Faudar Yadav, Vill. & P.O. & P.S. Chaudauti, Gaya, Bihar.	-do-
17.	-do-	44—Chatra	Shri Vinod Singh, Vill. & P.O. Malhana, P.S. Chandwa, Dist. Palamau, Bihar.	-do-

[No. 76/BR-HP/85]

नई दिल्ली, 14 दिसम्बर, 1985

आ. अ. 14:—संस्कृत प्रतिनिधित्व अधिनियम 1951 की धारा 106 के अनुसरण में निर्वाचन आयोग एतदारा 198 की निर्वाचन अर्जी सं. 1 में दिया गया पटना उच्च व्यायालय का तारीख 16-11-1984 का निर्णय प्रकाशित करता है।

[स. 82/बिहार-सौ. स./(1/80)/85]  
आवेदन से,  
बलवंत सिंह, अवर सचिव  
भारत निर्वाचन आयोग

New Delhi, the 14th December, 1985

O.N. 14.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the judgment dated the 16th November, 1984 of the High Court of Judicature at Patna in Election Petition No. 1 of 1980.

[No. 82/BR-HP(1/80)/85]

By Order,  
BALWANT SINGH, Under Secy.  
Election Commission of India

ELECTION PETITION NO. 1 OF 1980

In the matter of an application under section 81 of the Representation of People Act, 1951.

Lakhan Lal Kapoor and others ...Petitioners.  
VersusSmt. Madhuri Singh ...Respondent.  
For the Intervenor-petitioner: Mr. Jageshwar Prasad Sinha.

For the Respondent: M/s. Shyam Nandan Prasad Sharma, Ramanugrah Prasad Singh, Rana Pratap Singh No. 2 and Amrendra Kumar Singh.

## PRESENT :

The Hon'ble Mr. Justice Shivanugrah Narain

SHIVANUGRAH NARAIN, J., Ram Bilas Yadav, petitioner No. 2, Lakhan Lal Kapoor, the intervenor-petitioner and the respondent Smt. Madhuri Singh along with others had filed nomination papers for election to the Lok Sabha from 84 Purnea Parliamentary Constituency. On 11-12-1979 which was the date fixed for the scrutiny of the nomination papers, all nomination papers of the candidates except Ram Bilas Yadav were declared valid. A question arose whether Ram Bilas Yadav was disqualified from being a candidate and that question was decided by the Returning Officer, Purnea Parliamentary Constituency on 12-12-1979. The Returning Officer by his order of that date held that Ram Bilas Yadav was appointed an Assistant Government Pleader, Purnea and thus held an office of profit under the State Government and was, therefore, disqualified from being a candidate at the election. The election was held on 6-1-1980 and after counting the respondent was declared elected on 8-1-1980 having secured maximum number of votes, namely, 1,63,022, Lakhan Lal Kapoor the intervenor-election petitioner obtained 53,233 and one Nitya Nand Arya obtained 1,01,066 votes. The other contesting candidates secured votes ranging from 869 to 4,563.

2. On 30-1-1980 Ram Bilas Yadav along with an elector of the Constituency i.e. Bhubneshwar Arya filed the present election petition for a declaration that the election of the respondent to the Lok Sabha from the aforesaid Constituency was void. The sole ground set out in the petition is that the nomination paper of Ram Bilas Yadav was improperly rejected. It is asserted that the Returning Officer wrongly held that Ram Bilas Yadav held an office of profit under the State Government and also that the Returning Officer discriminated against Ram Bilas Yadav inasmuch as while he rejected the nomination paper of Ram Bilas Yadav who was on the panel of Assistant Government Pleader, Purnea, he accepted as valid the nomination paper of Nitya Nand Arya who was on the panel of lawyers of the Commercial Tax Department of the Government of Bihar.

3. Notice of the application was directed to be issued to the sole respondent on 6-2-1980. But it was not found possible to serve the notice on the respondent and steps for substituted service were ordered to be taken by publication of the notice in the Indian Nation. A notice was published in, the

Indian Nation but due to some mistake in the notice, the Court directed the issue of a corrigendum and subsequently called upon the election petitioners to deposit publication costs for publishing the corrigendum which cost was to be deposited by 25-2-1981. Lakhan Lal Kapoor filed a petition for adding him as a petitioner on the ground that the original election petitioners were colluding with the respondent and was not interested in prosecuting the election petition. The election petition as well as the petition for addition of party filed by Lakhan Lal Kapoor were dismissed by this Court by its order dated 27-2-1981 for non-compliance of some orders. But Lakhan Lal Kapoor appealed to the Supreme Court and by its order dated 22-11-1983 passed in Civil Appeal No. 2727 of 1982, the Hon'ble Supreme Court set aside the order of dismissal and remanded the matter to this Court to consider the application of Sri Lakhan Lal Kapoor for being impleaded as a party and to dispose of the election petition, thereafter, expeditiously. By order No. 26 dated 26th February, 1984 the petition was allowed and the intervenor-election petitioner was granted time to deposit the publication cost and the corrigendum notice was directed to be published in the Indian Nation fixing 20-3-1984 as the date for appearance of the respondent and for filing written statement as well as for settlement of issues. The respondent appeared on 15-3-1984 and on 20-3-1984 the petitioner filed a petition for recalling the order adding the intervenor election petitioner as a petitioner in the case. That order was recalled by order No. 40, dated 14-4-1984 and after protracted hearing of the petitioner of the intervenor-petitioner which was strenuously contested by the respondent, by order dated 4th May, 1984 the intervenor petitioner was directed to be added as an election-petitioner.

4. In the meantime, the respondent filed his written statement asserting that the nomination paper of petitioner No. 1 Ram Bilas Yadav had been rightly rejected as an Assistant Government Pleader because he held an office of profit under the State Government. The respondent also controverted the allegation of discrimination against the Returning Officer and asserted that the case of Nitya Nand Arya whose nomination paper was accepted as valid stood on a different footing. The following issues were framed :—

(1) Whether the election petition as framed is not maintainable ?

(2) Whether the election petition contravenes the provisions of section 81 and 117 of the Representation of the People Act, 1951 because it has been jointly filed by a candidate and an elector and only one set of costs by way of security has been deposited ?

(3) Whether the election petition does not comply with the provisions of section 81(3) of the Representation of People Act, 1951, inasmuch as the election petition was not accompanied by the requisite number of copies of the election petition duly signed and attested as required by section 81(3) of the Representation of the People Act, 1951 ?

(4) Whether the copy of the election petition served on the respondent is a copy duly attested as required by section 81(3) of the Representation of the People Act, 1951 and if not whether on that ground there has been a contravention of the mandatory provision of section 81(3) of the Act ?

(5) Whether the election petition does not comply with the provisions of section 82 of the Representation of the People Act, 1951 because of non-joinder of Nitya Nand Arya or the Returning Officer as respondents to the election petition ?

(6) Whether the election petition is, otherwise, not maintainable because of the non-joinder of Nitya Nand Arya and/or of the Returning Officer ?

(7) Whether for the reasons given in the written statement or apparent in the face of the record, the election petition does not comply with the provisions of section 83 of the Act, and if so whether it is fit to be dismissed summarily ?

(8) Whether the allegations or any of the allegations in the election petition are vague and fit to be struck out ?

(9) Whether in view of the terms and conditions of his appointment as Assistant Government Pleader by the Government of Bihar, the petitioner no. 1, Ram Bilas Yadav was simply entitled to get fee for specific cases which were assigned to him and in which he worked or did the petitioner no. 1 get any monthly permanent remuneration to watch cases in Courts relating to land ceiling cases of Purnea District?

(10) Whether though appointed as Assistant Government Pleader, petitioner no. 1 was at liberty to refuse to work in any revenue case assigned to him was free even to work against the Government in any particular case including revenue cases not assigned to him?

(11) Whether any office was created for petitioner no. 1 in his capacity as Assistant Government Pleader and whether staff was also provided by the State Government to maintain the office of petitioner no. 1 as Assistant Government Pleader?

(12) Whether in view of the terms and conditions of his appointment as Assistant Government Pleader for revenue cases in the district of Purnea, the petitioner no. 1, Ram Bilas Yadav, held any office of profit under the Government of the State of Bihar, other than and office declared Parliament by law not to disqualify its holder for election to the Parliament?

(13) Whether the nomination paper of petitioner no. 1 was improperly rejected by the Returning Officer on the ground that the petitioner no. 1 held an office of profit under the State Government?

(14) Are the petitioners or any of them entitled to a declaration that the election of respondent, the returned candidate to the House of People from 24 Purnea Parliamentary Constituency in January, 1980 is void and to any other relief or reliefs?

Subsequently by order no. 49 dated 23-5-1984 following additional issue was framed :—

"Whether the order rejecting the nomination paper of petitioner no. 1 is improper because it contravenes Articles 14 and 16 of the Constitution inasmuch as though Nitya Nand Arya was also an Assistant Government Pleader and the petitioner and Nitya Nand Arya were similarly situated, the nomination paper of Nitya Nand Arya was accepted as valid."

I would, hereafter, refer to it as Issue No. 15.

5. At the hearing neither the original petitioners appeared and evidence has been adduced only on behalf of the intervenor-election petitioner and the respondent.

6. Issue No. 2—According to the respondent, the election petitioner contravenes the provisions of section 81 of the Representation of People Act, 1951, hereinafter referred to as 'the Act', because it was filed originally jointly by a candidate and by an elector Bhurbanshwar Arya. Section 81 of the Act runs thus :—

"Presentation of petition—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the Election Commission by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Explanation—In this sub-section, 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) An election petition shall be deemed to have presented to the Election Commission—

(a) when it is delivered to the Secretary of the Commission or to such other officer as may be appointed by the Election Commission in this behalf—

(i) by the person making the petition, or

((ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the Secretary to the Commission or the officer so appointed."

Sri Sharma, the learned counsel appearing for the respondent, contends that section 81 uses the singular expression 'any candidate' or 'any elector' and, therefore, by necessary implication it prohibits a joint election petition to be filed jointly by more than two candidates or by a candidate or elector jointly.

7. Section 13 of the General Clauses Act, 1897 provides that unless there is any thing to the contrary in the Act or otherwise, word in the expression singular should include the plural. Therefore, from the use of the singular number the intention of the legislature to prohibit a joint petition filed by more than one candidate or filed jointly by an elector and a candidate cannot be spelt out. Not only we do not find in the context anything to exclude the application of the general rule that the singular includes plural, there is clear indication in the Act itself that section 81 contemplates a joint election petition. Section 110 of the Act provided "if there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners." Section 112 provides:

"an election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners."

If, therefore, the Act is read as a whole as it must be on general principles not only a joint election petition is not prohibited by the Act but is distinctly contemplated by the Act. As the election petitions can be filed under section 81 alone, it must be held that a joint election petition either by two candidates or by one candidate and an elector or electors is permissible under section 81 of the Act. Order 2 Rule 1 of the Code of Civil Procedure, the provisions of which apply to trial of the election petition, clearly permits the joinder of several plaintiffs who jointly or separately possess any right to the relief in respect of the same transaction. A candidate or an elector both had a right to file an election petition to have the election declared void. On general principles, joinder of several petitions is, therefore, not prohibited so long a common right is being claimed in respect of the same transaction.

8. I am fortified in this conclusion by the decision of three Election Tribunals reported in IV Election Law Report 441, V Election Law Report 303 and VI Election Law Report 138. While the decision reported in V Election Law Report related to the election petition which had been filed by more than one candidate, the decisions reported in IV and VI Election Law Reports related to a joint petition filed by electors and more than one or more candidates. No decision either of any High Court or Election Tribunal taking a contrary view has been brought to my attention. It follows, therefore, that the joint election petition by candidate and elector is not prohibited by section 81 and that the election petition does not contravene section 81 of the Act.

9. Does it contravene section 117 of the Act? Sri Sharma contends that it does because admittedly only one set of security for costs has been deposited. He urges that as there were two petitioners, two sets of security for costs should have been deposited. Section 117 runs as follows:—

"Deposit of security.—The petitioner shall enclose with the petition a Government Treasury receipt showing that a deposit of one thousand rupees has been made by him either in a Government Treasury or in the Reserve Bank of India in favour of the Election Commission as security for the costs of the petition."

Here also Sri Sharma relies on the use of the expression 'petitioner' in the singular number in section 117 of the Act. He urges that the section says that the petitioner i.e. each petitioner must deposit rupees two thousand as security for costs. This argument is completely misconceived and was

negated by the Election Tribunal, Allahabad in these words:—

"It is true that the section requires the petitioner to deposit Rs. 1000. But the section contemplates a deposit of Rs. 1000 per petition. The object of demanding the security is to provide for costs of the petition. The costs of the petition would be the same whether the petition is filed by one person or by three persons. In our opinion it was sufficient for the three petitioners to deposit a sum of Rs. 1000 as security under section 117 of the Act." (VI Election Law Report 138 at page 144).

I respectfully agree and adopt the aforesaid observations of the Election Tribunal, Allahabad. In the case reported in V Election Law report 303 also it was held that a joint deposit of Rs. 1000 by two petitioners was adequate and the Tribunal observed "the joint petition thus being valid and competent, it follows, in our opinion, that the requirements of section 117 of the Act providing fee deposit of Rs. 1000 with the petition are satisfied" (at the time of this case before the Tribunal, the amount deposit required under section 117 was Rs. 1000). Issue No. 2 must, therefore, be answered in the negative and in favour of the election petitioner.

10. Issue No. 3.—This issue was not pressed by the learned counsel for the respondent and, therefore, it must be held that the election petitioner complied with the provisions of section 81(3) of the Act and the issue is answered in negative.

11. Issue No. 4.—The copy of the election petition served on the respondent has not been produced in this case. That copy was in the possession of the respondent. No evidence has been adduced giving reasons for non-production of the copy. An adverse inference must, therefore, be drawn against the respondent and it must be held that the copy served was a copy duly attested under section 81 of the Act. Further, the requirement of section 81(3) that the copy must be a copy duly attested by the petitioners under his signature to be a true copy of the election petition applies only to the copies which are required by section 81(3) of the Act to accompany the election petition. It does not apply to other copies which may be served on the respondent in pursuance of order of the Court. That was specifically held by me by order dated 13-12-1980, in Election Petition No. 34 of 1980. It must, therefore, be held that there was no contravention of the provisions of section 81(3) of the Act and Issue No. 4 must also be decided against the respondent.

12. Issue Nos. 5 & 6.—It is conceded by the learned counsel for the respondent that as the order of the Returning Officer has been impugned on the ground of discrimination and the petitioner has alleged that he has been discriminated against vis-a-vis Nitya Nand Arya, the petition is bad for their non-joinder. In my opinion, this contention is completely misconceived. Section 82(a) provides that where the further declaration that the petitioner has been duly elected has not been claimed and except in the case where any allegation of corrupt practice against any other candidate is made in the petition, only the returned candidate need be joined, no other person is, in such cases required to be joined by section 82 of the Act. Neither any declaration that the petitioner be declared elected is claimed nor any allegation of corrupt practice has been made in this petition. Further, as held by the Supreme Court in *Jyoti Basu v. Debi Chosal* (A.I.R. 1982 SC 983) the only person who can be joined a, respondent to the election petition are candidates who are entitled to be so joined either under section 82 or section 86(4) of the Act which provides for the joinder on his application in due time of any candidate Nitya Nand Arya and the Returning Officer not being candidates etc. not be joined either under section 82 or section 86 of the Act. I must also state that the petitioner is not seeking any relief against Nitya Nand Arya, or asserting anything prejudicial to Nitya Nand Arya for, according to the petitioner, the nomination paper of Nitya Nand Arya was rightly accepted as valid. No allegation of malafide either has been made against the Returning Officer. It is not stated that there was any intentional discrimination in favour of Nitya Nand Arya or against the petitioner. On

general principles also their joinder is not required. These two issues, therefore, must also be decided against the respondent and must be answered in the negative.

13. Issue Nos. 7 & 8.—It is urged on behalf of the respondent that the election petition does not contain statements of the material facts on which the petitioner relies. No other ground for contravening section 83 is urged. The sole question, therefore, is whether the material facts on which the petitioner relies have been set out. Now, as I have stated, the sole ground on which the election petition is the improper rejection of nomination paper of Ram Bilas Yadav, petitioner no. 1. Now it is stated in the election petition that though the petitioner was appointed an Assistant Government Pleader, he was not a retained lawyer like the Government Pleader, he was not full-time employee of the Government, that he was entitled to appear against Government in cases in which he chose not to appear for the Government that he was free to reject any brief offered to him, that he did not receive any fixed retainer fee, that he appeared for the Government on payment of fees the rates of which were specified in the petition and that he was not holding any permanent substantive position which had an independent existence. It was also asserted that he was not duty bound to work for Government in all cases. As pointed out in *Hardwari Lal Versus Kanwal Singh* (A.I.R. 1972 S.C. 515 at 520), material facts are facts which if established would give the petitioner the relief asked for. If all these facts are accepted, the petitioner may be entitled to the finding that he did not hold any office under the Government and, therefore, was not disqualified under Article 102 (1) of the Constitution.

14. Mr. Sharma contends that he has not disclosed the terms of his appointment. This contention is completely misconceived. That the petitioner was free to reject any brief, that he was free to appear against the Government in cases for the Government, that he was entitled to be paid fees, that is to say his remuneration, and that he was not a retained lawyer, all these are terms and conditions of appointment of Assistant Government Pleader. In support of his argument, Mr. Sharma relied on the facts that the letter of appointment of Sri Ram Bilas Yadav was not annexed to the election petition. But though the terms and conditions of appointment as Government Pleader are material facts, the letter of appointment cannot be regarded as a material fact. It is evidence of a material fact, namely, the terms and conditions of appointment of Ram Bilas Yadav. As pointed out in *Manphul Singh v. Surinder Singh* (A.I.R. 1973 S.C. 2158), it is neither necessary nor permissible for the elector to set out evidence in the election petition.

15. I next turn to the allegation of discrimination. So far as this ground for impugning the order of rejection of the nomination paper is concerned, the relevant averments which are contained in paragraph 25 of the election petition are only to the extent that Sri Nitya Nand Arya was a panel lawyer of the Government of Bihar of the Commercial Tax Department, he was appointed by the Finance Department of the Government of Bihar to appear in cases on behalf of the Government on payment of fee and the position of Nitya Nand Arya in this respect was the same to that of petitioner no. 1 and this was known to all. The facts on which the petitioner relies for substantiating the case of discrimination is that the position of Sri Nitya Nand Arya whose nomination paper was accepted was the same as that of petitioner no. 1, and they are stated in the petition. It cannot, therefore, be said that the allegation of discrimination is completely vague and the respondent cannot properly controvert this allegation. As a matter of fact, in her written statement the respondent has controverted this allegation. The respondent has stated that Sri Nitya Nand Arya was not a retained lawyer like the petitioner no. 1 and was not getting any monthly remuneration like petitioner no. 1, he was not provided office and staff and he was under no obligation to watch Government cases other than those entrusted to him and he was at liberty to appear against Government in which he chose not to accept and was also free not to accept any brief of the Commercial Tax Department. As a statement has been made in paragraph 25 of the election petition that it was known to all that the position of Nitya Nand Arya was the same as

that of petitioner, it may amount to an averment that the discrimination made by the Returning Officer was intentional and thus to an allegation of intentional discrimination. I, therefore, hold that the election petition complies with the provisions of section 83, that none of the allegations in the election petition are vague and fit to be struck out and the election petition is not fit to be dismissed summarily for contravention of section 83. Issue nos. 7 and 8 must, therefore, be answered in the negative and against the respondent.

16. Issue No. 1 :—No other defect in the frame of the election petition has been urged. It must, therefore, be held that the election petition is maintainable. Issue no. 1 must therefore, be answered in negative.

17. Issue No. 9 :—The copy of the appointment letter of the petitioner has been exhibited and marked without objection as Ext. 3. So far as the remuneration to which the petitioner was entitled is concerned, the only relevant statement in the letter of appointment is as follows :—

"The fees admissible to Assistant Government Pleader will be payable to Sri Yadav for conducting those cases."

There is no oral evidence regarding the remuneration payable to Sri Ram Bilas Yadav for working as Assistant Government Pleader. The only materials on point are the sums claimed by and paid to Sri Yadav for appearing in cases which are evidenced by the photostat copy of treasury voucher no. 186 corresponding to bill no. 2094 of 79-80 of the Purnea Treasury. This voucher shows that payment of Rs. 1340/- according to the bill submitted by him was made to Sri Ram Bilas Yadav, Assistant Government Pleader for his appearing in the cases noted therein. The period of the bill is March, 1979 till May, 1979. From the bill it appears that fees have been claimed for appearing in the cases detailed in the bill on various dates according to the time occupied. If only one hour was occupied, then the fee charged and paid was Rs. 20/- and if four hours and more were occupied, then the daily fee charged and paid was Rs. 30/-. There is no reference to any fixed monthly remuneration that is to say, any fixed retainer fee. The absence of any fixed retained fee therein, in my opinion, clearly shows that the petitioner was not entitled to any fixed monthly remuneration as retainer fee, he was paid fee for the cases in which he appeared. Issue No. 9 is answered accordingly.

18. Issue no. 10 :—Admittedly, Sri Ram Bilas Yadav, Advocate, the petitioner no. 1 in this Court was at the relevant time a lawyer on the panel of Assistant Government Pleaders for the district of Purnea. The order of appointment of Sri Ram Bilas Yadav, hereinafter called 'the petitioner Yadav', is contained in a letter of the Under Secretary to the Government of Bihar in the Law Department, dated 7 December, 1978 addressed to the District Magistrate, Purnea and the subject matter of the letter is Appointment of Advocate for conducting cases relating to the Land Ceiling Act in Purnea district. The letter which is in Hindi translated into English and so far as it is relevant runs thus :—

"In continuation of letter no. 7881 J. dated 5-12-78 of the Law (Judicial) Department on the above subject, I am directed to say that the State Government have been pleased to appoint Sri Ram Bilas Yadav, Advocate, Purnea in the panel of Assistant Government Pleaders of the district of Purnea and simultaneously the State Government has also directed that Sri Yadav alone shall conduct the cases relating to the Land Ceiling Act of Purnea Sadar comprised in the district of Purnea. In course of conducting those cases fees admissible to Assistant Government Pleader shall be payable to Sri Yadav."

It is clear from the aforesaid letter of appointment that all the cases in Purnea Sadar relating to Land Ceiling Act were to be conducted by Sri Yadav alone. That is to say, by this order the petitioner Yadav was not only appointed Assistant Government Pleader but was also assigned all the

cases in Purnea Sadar relating to the Land Ceiling Act. According to the terms of appointment, therefore, Sri Yadav was not an Assistant Government Pleader who did only such cases as would be assigned to him from time to time by the competent authority. The letter of appointment operates as general order of assignment of all cases relating to Land Ceiling Act in Purnea Sadar which obviously means pending before the authorities in Purnea, to the petitioner Yadav. As all the cases of that category were assigned to the petitioner Yadav, petitioner Yadav not only acquired a right to conduct all those cases, but he was also entrusted with the duty of conducting those cases. Thus under the terms of appointment an obligation was imposed upon petitioner Yadav to conduct for the Government all cases relating to the Land Ceiling Act arising in or pending before the authorities in Purnea. As such an obligation was imposed upon him by the letter of appointment and it is not dispute that petitioner Yadav accepted the appointment on the terms mentioned in the aforesaid letter of appointment an obligation to appear for the Government in all cases relating to the Ceiling Act in Purnea Sadar except perhaps in exceptional circumstances e.g. in cases in which on account of personal interest Sri Yadav was disqualified from appearing for the Government, was imposed on Sri Yadav. He was, therefore, under the terms of his appointment not a liberty to refuse to work in the cases of the category specified in the letter of appointment. Of course, in regard to other cases including revenue cases which did not come under the category specified in the appointment letter, there was no obligation on him to work for the Government. The first part of the issue is answered accordingly. As the letter of appointment by necessary implication provides that the petitioner Yadav was not at liberty to refuse to work for the State Government any case relating to Land Ceiling Act in Purnea Sadar, oral evidence on the point is not of any consequence. I may state that the intervenor petitioner examined himself as P.W.1 and asserted that the petitioner Yadav was free to decide whether or not to appear for the State Government in any case in the Revenue Department. His evidence on this point is completely useless as the question has to be decided solely on the basis of the terms of appointment which have been reduced to the form of a document, Ext. 3 and those terms are unambiguous.

19. So far as the second part of the issue, namely, whether the petitioner Yadav was free to work against the Government in any particular case including revenue cases not assigned to him, it is not disputed by Sri Sharma appearing on behalf of the respondent that, except in regard to the Land Ceiling Act cases in Purnea Sadar all of which have been assigned to him, the petitioner Yadav was at liberty to work against the Government in any particular case not assigned to him. In view of this concession on the question of fact, it is not necessary to refer to the evidence on the point, I may, however, state the Sri Ghose, a lawyer practising in the courts of Purnea admitted in reply to a Court question that petitioner-Yadav did appear in criminal cases against the State Government. In view of this admission by Sri Ghosh, it is difficult to accept the evidence of Sri Thakur (P.W. 1), another lawyer practising at Purnea suggesting that the petitioner Yadav while Assistant Government Pleader did not appear against Government in other case. It may be that he personally did not see petitioner Yadav working in any case against the State Government during that period. The second part of issue no. 10 must, therefore, be answered in the affirmative subject to this clarification that all the cases relating to Land Ceiling Act in Purnea Sub-division had been assigned to him and petitioner Yadav was not at liberty to work against the Government these cases which had been assigned to him.

20. I should have stated that a number of witnesses have desposed that the petitioner Yadav did not accept briefs against the Government in cases relating to Land Ceiling Act. It is sufficient to refer to the evidence of Sri Ghose (R.W. 19), Awadesh Singh (R.W. 11) and Sri Mandal (R.W. 12) all of whom are lawyers practising in Purnea. Shri Ghose stated that Ram Bilas Yadav entrusted to him a land ceiling case of his relative stating that he did not appear against the State Government in land ceiling cases and Sri Awadesh Kumar (R.W. 11) who was a junior of the Petitioner Yadav, used to bring land ceiling

cases to him saying that petitioner Yadav would not appear them against the State Government. The evidence of Sri Ghose that Ram Bilas Yadav did not appear against the State Government in Land Ceiling cases was attacked by the learned counsel for the petitioner as admissible as hearsay being the statement of a person who has not been examined as a witness. But Ram Bilas Yadav is the petitioner in this case and his statement to Sri Ghose that he did not appear against the State Government in Land Ceiling cases amounts to an admission by the petitioner Yadav and is admissible as admission. Sri Ghose and R.Ws. 11 and 12 are all practising lawyers but merely because petitioner Yadav is a fellow lawyer and he appears to be conniving with the respondent, I am not prepared to reject their testimony. Their testimony on the point in accord with the probabilities of the case for according to the terms of appointment Sri Yadav had to appear for the Government in all the cases in Purnea Sadar relating to Land Ceiling cases.

21. Issue Nos. 11 and 12 :—These issues are inter connected and are therefore, taken up together. The intervenor election petitioner (P.W.1) deposed that no office or staff was provided to Ram Bilas Yadav. But he is the solitary witness examined on behalf of the petitioner and when here is evidence to the contrary, his evidence cannot be accepted at its face value. On behalf of the respondent, a large number of witnesses have been examined who have deposed that part of the room which was the chamber of the Government Pleader, Purnea had been enclosed by a wooden partition and that enclosed space served as the chamber of petitioner Yadav where he kept his briefs and used as office. They also deposed that a Government employee was attached to the office for the Land Ceiling cases. The witnesses on the point are P.Ws. 1, 4, 5, 6, 7, 8, 10, 11 and 12. All of them have deposed that petitioner Yadav had a chamber which was separate from the chamber of the Government Pleader. It has been clarified in the evidence of some of them that the chamber was situated in the same room as that occupied by the Government Pleader but it was separated from his chamber by means of a wooden partition. Out of these R.Ws. 1, 5, 6, to 8, 10 to 12 are lawyers practising Purnea court, while R.W. 4 is a cultivator who had requested petitioner-Yadav to appear in a Land Ceiling Case on his behalf. It is true that petitioner Yadav and the aforesaid lawyer witnesses are members of the same fraternity and practising of the same court and are, therefore excepted to have some affinity with the Petitioner Yadav. It also seems that petitioner-Yadav is not interested in prosecuting this election petition and it may well be that he has been gained over by the respondent. But merely because of that reason, I am not prepared to discard the testimony of all these lawyers. Sri Ghose (R.W. 10) candidly accepted, contrary to the case of the respondent that petitioner Yadav did appear in criminal cases against the State Government. The intervenor-petitioner (P.W. 1) did not doubt deposed that no office or staff was provided to Ram Bilas Yadav, but I am not prepared to prefer the testimony of the election petitioner to that of Sri Ghose (R.W. 10) and other lawyer witnesses for the respondent. Though it appears from the order sheet (Ext. 2) of the Returning Officer dated 11-12-1979 that after objection to his nomination paper was raised, petitioner Yadav prayed for one day's time to prove that he was not holding any office of profit, Sri Kapoor (P.W. 1) who claims to have been present at the time of scrutiny has categorically denied that the petitioner had prayed for adjournment of scrutiny of his nomination paper to the next day and only after further questioning, he admitted that Ram Bilas Yadav did state that he would produce evidence on the point and that he did not produce the evidence on the very day on which the objection was raised. Therefore, apart from being highly partisan, Sri Lakhman Lal Kapoor (P.W. 1) is not a straight forward witness. I would, therefore, accept the evidence of the aforesaid witnesses on behalf of the respondents who have been subjected to cross-examination but nothing has been elicited in cross-examination which discredits this part of their evidence. I would, therefore, accept the evidence that Ram Bilas Yadav used to sit in a part of the room occupied by the Government pleader which part was separated from the other part of the room by means of a wooden partition. There is, however, no evidence on the record which would show as to who had allotted that accommodation to the petitioner Yadav v. R. W.

5 who is an Advocate stated that so far as he was aware the chamber of the Government Pleader was allotted by the District Judge and that he did not know who had allotted the chamber to petitioner Yadav, whether the District Judge or the Government Pleader. On the evidence, therefore, it cannot be ruled out that petitioner Yadav was occupying a portion of the room in which the chamber of the Government pleader was situated with the permission of the Government pleader.

22. Sri Ghose (R.W. 10) also deposed that one Sri Surendra Prasad an Upper Division Clerk of the Purnea Collectorate had been provided to petitioner Yadav and was attached to him. He further deposed that an Assistant of the Collectorate sometimes used to receive copies of the petition etc. which he used to serve on petitioner-Yadav. The evidence of R.W. 11 another lawyer is to the same effect except that he does not state that Surendra Prasad accepted notice on behalf of petitioner-Yadav, the evidence of R.W. 12 is on the same lines as that of R.W. 11. R.W.s 1 and 4 to 8 also deposed substantially to the same effect, but they do not disclose the name of the Government employee who was attached to the petitioner-Yadav. Though all these witnesses have been cross-examined, nothing has been elicited in their cross-examination which would discredit their testimony in this Court. It is true that none of them had seen the letter of any authority by which the clerk was deputed to the office of petitioner-Yadav but that does not detract from the reliability of their testimony that a Government employee was working along with petitioner-Yadav. The evidence is also not improbable. It has come in evidence of R.W. 10 that there were a large number of cases relating to Land Ceiling Act in Purnea courts and there is nothing unusual if a clerk was deputed by the Purnea Collectorate to look after the cases and assist petitioner-Yadav who was the lawyer incharge of those cases. But as no documentary evidence regarding the deputation of the clerk has been brought on the record, I think the evidence adduced on behalf of the respondent comes to this that an Assistant of the Purnea Collectorate was used to be present in the office of petitioner-Yadav and he often accepted notice in Land Ceiling cases meant for the petitioner Yadav and thus a Government employee was assisting Sri Yadav in the discharge of his duty. On these materials, however it is not possible to hold that the services of that Assistant were placed under the control of petitioner-Yadav.

23. It is on the aforesaid facts found by me that the question has to be decided whether the petitioner Yadav was holding an office of profit under the State Government. Though the Returning Officer had referred to Article 191(1)(a) of the Constitution but that is obviously mistake for Article 102(1)(a) of the Act. Article 191(1)(a) sets out the disqualification for membership of the State Legislatures. The Article dealing with the disqualification for the members of the Parliament is Article 102. Article 102(1)(a) runs as follows :

**"Disqualification for membership—(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—**

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holders."

It is conceded by the learned counsel for the petitioner that the post of Assistant Government Pleader is not an office declared by any Parliament by law not to disqualify the holder. It is also conceded in my opinion-richly by the learned counsel for the petitioner that if the post Assistant Government Pleader held by petitioner-Yadav is an office of profit, it is an office of profit under the State Government. Admittedly, the petitioner was a lawyer in the panel of Assistant Government Pleader, Purnea. The question for decision, therefore, is whether the post held by the petitioner-Yadav at the relevant time was an office and if so whether it was an office of profit.

24. The learned counsel for the petitioner did not concede that if the aforesaid post was an office, it was an office of profit and argued that it was not an office of profit. The

argument is plainly untenable and completely devoid of substance. It is the admitted position that the petitioner Yadav was entitled under the terms of appointment to payment and did receive payment by way of fees for the cases which he conducted. He was, therefore, clearly receiving remuneration in the shape of fees for the work done by him for the Government. That being so, it is manifest that if the petitioner Yadav was holding an office, it was an office of profit. In *Kanta Kathuria versus Manak Chand* (A.I.R.) 1970 S.C. 694 which was strenuously relied upon by the learned counsel for the petitioner, the appellant who was an Advocate had been appointed as Special Government Pleader to conduct a case on behalf of the State of Rajasthan along with the Government advocate, Jodhpur and she was to get her share of fee out of the daily fee of Rs. 130 payable to one another lawyer who had previously been appointed to assist the Government Advocate. The majority of the Supreme Court held that the engagement of the appellant as Special Government pleader did not amount to appointment to an office but Sikri, J. (as he then was) who spoke for the majority in the case observed "There is no doubt that if her engagement as Special Government pleader amounts to appointment to an office it would be an office of profit under the State Government of Rajasthan" (at page 700 of the report). In the case reported in A.I.R. 1954 S.C. 653 though it was held that the unofficial Chairman of a Municipality who is entitled to draw fee of Rs. 6/- for each sitting of the committee, does not hold an office of profit because payment is not to be taken by way of remuneration or profit but is given to him as a consolidated payment for pocket expenses incurred in attending the meeting, it was pointed out that the word 'profit' connotes the idea of pecuniary gain and if there is a gain, its quantum or amount would not be material except for deciding whether the office really carries a profit. A lawyer who received briefs and is paid his fee, certainly is a person to whom pecuniary gain accrues.

25. The next question is whether the position which petitioner Yadav occupied as Assistant Government Pleader was an office. This raises a question of considerable difficulty. The expression 'office' was considered by a Constitution Bench of the Supreme Court in *Kanta Kathuria's case* (Supra) and speaking for the majority of the Supreme Court Sikri, J. (as he then was) held that the expression 'office' occurring in Article 191 (1)(a) means an office which exists independently of the holder of the office and Sikri, J. quoted with approval the observations of Justice Rowlatt in (1922) 8 Tex Case 231 that office meant "an office or an employment which was a subsisting, permanent, substantive position, which had an existence independent from the person who filled it, which went on and was filled in succession by successive holders." In *Mahadeo versus Shantibhai* (1969) 2 S.C.R. 422 the question came up for decision whether a lawyer who was on a panel of Railway Pleaders for conducting suits filed against the Union of India representing the Railway administration in the court at Ujjain held an office and the Supreme Court had to construe the meaning of term 'office' of profit under the Union of India which disqualified for membership of the Madhya Pradesh Legislative Assembly and decided whether the lawyer held an office of profit under the State Government within the meaning of expression as used in Article 191(1)(a) of the Constitution of India. Mitter, J. who spoke for the Supreme Court in that case quoted with approval the meaning of office given by Hidayatullah, C.J. speaking for the Supreme Court in the case of *Statesman Ltd. versus H.R. Deb* (1968) 3 S.C.R. 614 and held that "An office means no more than a position to which certain duties are attached." And the Supreme Court decided the case on the footing that by office is meant the right and duty to exercise employment or a position to which certain duties are attached. In determining whether the position of Assistant Government Pleader held by the petitioner Yadav was an office within the meaning of expression as used in Article 102 (1)(a) of the Constitution, we have to apply the two tests laid down by the Supreme Court in the aforesaid two cases. It is true that the Supreme Court in the aforesaid two cases was determining the meaning of the expression 'Office' as used in Article 191(1)(a) of the Constitution and not as used in Article 102(1)(a) of the Constitution. But there can be no doubt and it has not been disputed that the expression 'office' in Article 102(1)(a) has the same meaning as in Article 191(1)(a).

26. Before proceeding further, it is necessary to recapitulate the terms and conditions of the appointment of petitioner Yadav as Assistant Government Pleader. They are as follows:—

(i) He was appointed to the panel of Assistant Government Pleaders, Purnea district.

(ii) All the cases before the authorities in Purnea Sadar relating to the Land Ceiling Act were to be conducted on behalf of the State Government by petitioner Yadav and not by any one else.

(iii) Petitioner Yadav was not at liberty either to work against the State Government or to refuse to work the State Government (barring perhaps some cases) in cases before the authorities at Purnea Sadar relating to the Land Ceiling Act.

(iv) Petitioner Yadav was at liberty to appear against the State Government even in cases before the authorities at the court of Purnea Sadar which did not relate to the Land Ceiling Act and did appear against the State Government in criminal cases.

(v) Sri Yadav was not paid any fixed sum as retainer fee and was only entitled to fees in respect of cases in which he appeared for the State.

(vi) As Assistant Government Pleader, Sri Yadav had a place assigned to him in the room of the Government Pleader, Purnea and a Clerk of the Purnea Collectorate assisted him in the discharge of his duties as Assistant Government pleader. There is no evidence as to the period for which the petitioner Yadav was appointed Assistant Government pleader, but we may take judicial notice of the fact that the appointment of an Assistant Government Pleader in the State of Bihar is not permanent appointment but an appointment for a certain period.

27. In view of terms and conditions of the appointment of petitioner Yadav it is, in my opinion, difficult to resist the conclusion that petitioner Yadav held a position to which certain rights and duties were attached. By virtue of the appointment, unless the appointment was terminated, he had the right and in deed the duty, to conduct on behalf of the State Government all cases relating to the Land Ceiling Act before the authorities at Purnea Sadar. As he was the only one lawyer who was to conduct cases in relation to Land Ceiling Act in Purnea Sadar for the Government his right and duty to conduct those cases was not dependent on the assignment of any particular case to him. Irrespective of any subsequent order so long as his appointment continued and was not terminated either by himself or the State Government, he was not free to accept a brief in the case relating to the Land Ceiling Act in Purnea Sadar against the State Government and so long as his appointment continued it was his duty to conduct and, therefore, to watch all cases relating to Land Ceiling Act filed or pending at that time in Purnea Sadar on behalf of the State Government. And this was so even in the absence of any instructions regarding any particular case being given to him. The duty to watch cases was necessary implicit in the duty to conduct all such cases. It is true as appointed out by the learned counsel for the intervenor-Petitioner, that to be able to conduct cases in instruction from the State authorities was necessary, records of the cases had to be made available to him, witnesses etc. had to be produced and so on. No lawyer can work unless the client instructs him properly. But as I have said already, the duty to conduct all cases of a particular category necessarily carried with it the duty to watch all cases of that category and in the event of want of specific instructions to try to obtain adjournment for obtaining instructions in the case. I may reiterate that this duty or obligation continued, for the period of appointment and during its subsistence. The petitioner was the lawyer in charge of the case relating to the Land Ceiling Act in Purnea Sadar and, therefore, by virtue of his appointment and the position which he held, certain duties were imposed on and certain rights were conferred upon him. The fact that the petitioner Yadav was free to appear against the State Government in cases not relating to Land Ceiling Act do not, in my opinion, detract from the position that by virtue of his appointment certain duties were imposed and certain rights were conferred on him. Merely because the scope of the duty is restricted and

not all embracing it cannot be said that no duties are imposed on the person occupying that position. As the duty was of representing the State Government and appearing for and conducting the cases of the State Government, the duties, must be held to be of a public character. In my opinion, therefore, as Assistant Government Pleader Incharge of Land Ceiling Act cases of Purnea Sadar, Petitioner Yadav occupied a position or place to which duties, more or less of public character were attached. The position held by the petitioner Yadav as Assistant Government Pleader, therefore, passes the test of public office as laid in Mahadeo's case (supra).

28. The question whether the position satisfies the other test of office laid down in Kanta Kathuria's case (supra) is more difficult to answer. The test laid down in Kanta Kathuria's case (supra) is the existence of the position of office independently of the holder of the office which test was called by Krishana Iyer, J. Speaking for the Supreme Court in Madhukar v. Jawant (1976) Supreme Court Report 832 at 853 critical test. The question for decision, therefore, is whether the post of Assistant Government Pleader incharge of cases in relation to the Land Ceiling Act in Purnea is a post or position which existed independently of petitioner Yadav the holder of the office for the time being. The office of the Assistant Government Pleader incharge of the cases relating to Land Ceiling Act in Purnea is in one sense an office independent of the incumbent of that office, because even if the holder of the office is no longer there or does not continue to hold it the office would continue in the sense that it would be necessary for the State Government to have someone who would conduct on its behalf as its lawyer the case relating to the Land Ceiling Act in Purnea Sadar. In another sense the position may be regarded as having no independent existence for the Government may decide not to have any one lawyer as the lawyer incharge of all cases relating to the Land Ceiling Act in Purnea Sadar. It may choose to have a number of lawyer for that purpose, doing cases assigned to them. But in view of the decision in Mahadeo's case (Supra) as interpreted in Kanta Kathura's case (supra) I am inclined to hold, though not without hesitation, in favour of the existence of the position or office independently of the holder.

29. In Mahadeo's case (supra) the terms and conditions of the appointment of the lawyer on the panel of Railway Pleader which were regarded as relevant were (i) that he would not accept any brief against any Railway in any court (ii) Whether not the Railway Administration had engaged him in any litigation pending in the Court, it was his duty to watch all cases coming up for hearing against the Railway administration and to give timely intimation of the same to the office of Chief Commercial Superintendent and if necessary to obtain an adjournment to protest the interest of the Railway. He would get his fees only if he appeared in the case and it was not necessary that the case which he watched and got adjourned would necessarily be entrusted to him. But if it was not entrusted he would be paid Rs. 5 for that adjournment. The Supreme Court as I have already stated, that the lawyer held an office of profit. In Kanta Kathuria's case (supra) the argument was pressed upon the Supreme Court that the test that in order to constitute an office within the meaning of Article 191 (1)(a), the office should have an existence independent of the holder of the office was contrary to the view taken by the Supreme Court in Mahadeo's case (supra). That argument was rejected by Sikri, J. (as he then was) speaking for the majority of the Supreme Court in these words:—

"That case in no way militates against the view which we have taken in this case".  
(1970) 2 S.C.R. 835 at 849.

Their Lordship of the Supreme Court in Kanta Kathuria's case held that the position of a lawyer on the panel of Railway Pleaders who was bound to watch all the cases of Railway administration and was not free to accept a brief against Railway administration was like that of a Standing Counsel and the office that he held existed independently of the holder.

30. Now the lawyer on the panel in Mahadeo's case was not entrusted with all the cases against the Railway administration in the local area for which he had been appointed, he could appear except for the purpose of taking adjournment, only in the cases which were assigned to him and he could get fees only for those cases. In the present case, as

I have already pointed out, under the terms of his appointment petitioner Yadav was not the sole lawyer empowered to and bound to, appear for the State Government in cases relating to the Land Ceiling Act in Purnea Sadar. A duty of watching of such cases was necessarily imposed upon him. If the lawyer in Mahadeo's case could be regarded as virtually the Standing Counsel of the Railway administration, I do not see any reason why petitioner Yadav can be regarded the Standing Counsel of the State Government for cases relating to the Land Ceiling Act in Purnea Sadar. It is true that unless any other case was specifically assigned to him, Sri Yadav was not under a duty to watch cases of the State Government other than the Land Ceiling Act cases and his liberty to appear against the State Government was taken away only in respect of Land Ceiling Act cases. But in my opinion, this only means that he was a Standing Counsel of the State Government not for all cases, but only for cases of a particular category. If the lawyer in Mahadeo's case (supra) could be regarded as a Standing Counsel of the Railway administration, and holding an office which had an existence independent of its holder, there is all the more reason for regarding petitioner Yadav as Standing Counsel of the State Government for cases relating to the Land Ceiling Act in Purnea Sadar and holding an office which has an independent existence. It is well known that the panel of the Assistant Government Pleader is a permanent panel though the persons on that panel may be changed where a person on that panel by virtue of his appointment is vested with certain rights and duties with regard to all case of the Government of a particular category he is a person more like a Standing Counsel than the lawyer who is engaged in a particular case.

31. In support of his argument that the post of Assistant Government Pleader occupied by petitioner Yadav had no existence independent from its holder, the learned counsel for the petitioner strenuously relied upon the decision in Kanta Kathuria's case (supra). In Kanta Kathuria's case (supra) the lawyer had been appointed as a Special Government Pleader to conduct a particular case on behalf of the State of Rajasthan along with the Government Advocate, Jodhpur. The appointment was, therefore, for a particular case only and that office could not be held to have an existence independent of its holder. To use the words of Sikri, J. (as he then was) who spoke for the majority of the Supreme Court in that case. "We cannot visualise an office coming into existence, every time a pleader is asked by the Government to appear in a case on its behalf". Explaining the distinction between the cases of Kanta Kathuria (Supra) and Mahadeo supra), Krishna Iyer, J. pointed out "In the former, an ad hoc Assistant Government Pleader with duties and remuneration was a casual engagement, not exalted to a permanent position, occupied pro tempore by A or B. In Mahadeo, a permanent panel of lawyers maintained by the Railway Administration with special duties of a lasting nature constituted the offices of profit more like Standing Counsel" (at 2297 of the report). As I have held the office of the Assistant Government Pleader held by petitioner Yadav was more like that of a Standing Counsel and was not that of an ordinary Assistant Government Pleader.

32. The Learned counsel for the petitioner also relied upon a decision of a learned Single Judge of this Court in Election Petition No. 17 of 1977 (disposed of on 12-9-1978) in which the post held by a lawyer who had been appointed as Assistant Government Pleader for a period of two years which period had come to end on the date on which he had filed nomination paper and on which date he was continuing to work for the State Government on the basis of an order that until the preparation of a fresh panel work should be taken from the former panel, was held not to be an office of profit under the State Government. In that case, the lawyer could merely work at the mercy of the State Government, i.e. in a case only if given to him. It was held on the facts of that case that no duties were attached qua office, he was just a lawyer like any other lawyer; he could not complain that he was not given any work and if he got any brief, the lawyer was free to reject it, he could appear against Government in any case in which he had not been engaged or in case which he chose not to accept. That was the case of Assistant Government Pleader who could not claim to work for the Government in any case merely by virtue of his appointment and who could work only in such cases which were assigned to him. The case of such an Assistant Govern-

ment Pleader is radically different from the case of an Assistant Government Pleader who is put exclusively in charge of a particular category of cases and is thus vested with rights and duties by virtue of that appointment as Assistant Government Pleader itself. The Bench decision of this Court reported in 28 Election Law Report 209 was also a case in which the position of the Assistant Government Pleader was similar and a tentative opinion was expressed that he did not hold an office of profit.

33. The learned counsel for the petitioner also referred to certain rules in the Bihar Practice and Procedure Manual 1939 and pointed out that the position of an Assistant Government Pleader is different from that of a Government Pleader. It may be so but that is hardly relevant for deciding whether an Assistant Government Pleader in charge of a particular category of cases does or does not hold an office of profit or not. I, therefore, hold that petitioner Ram Bilas Yadav, Assistant Government Pleader held an office of profit under the State Government within the meaning of expression as used in Article 102(1)(a) of the Constitution. Issue nos. 11 and 12 are, therefore, answered accordingly.

34. Additional issue i.e. Issue No. 15:—The order of Returning Officer rejecting the nomination paper is also impugned as being discriminatory inasmuch as though the nomination paper of Nitya Nand Arya, a lawyer of the Commercial Bank of India was accepted as valid, the nomination paper of the petitioner was rejected. No evidence regarding the terms of appointment of Sri Nitya Nand Arya as a lawyer of the Commercial Taxes Department has been brought on the record. In the absence of evidence regarding the terms and conditions of appointment of Sri Nitya Nand Arya, this Court cannot hold that the petitioner Yadav and Nitya Nand Arya were similarly situated. The burden to prove that the order is discriminatory is clearly on the petitioner. That burden has not been discharged. I may further add that the duty performed by the Returning Officer in the course of scrutiny of nomination paper is judicial in nature even though the Returning Officer is not a court. See the case reported in A.I.R. 1956 Supreme Court 153. It is well settled that a judicial decision may not be struck down as discriminatory unless there is shown to be present in it the element of intentional and purposeful discrimination. See the decision of the Supreme Court reported in A.I.R. 1955 S.C. 191 at page 195. It appears from the ordersheet of the Returning Officer that no objection was raised to the nomination paper of Sri Nitya Nand Arya or of any body except petitioner Yadav. There is nothing to suggest that the Returning Officer was in any manner hostile to petitioner Yadav. Assuming that discrimination was made by the Returning Officer, it was neither intentional nor purposeful. Issue No. 15 the additional issue must, therefore, be answered in the negative.

35. Issue No. 13:—In view of the answer to Issue No. 12, it must be held that the nomination paper of the petitioner Ram Bilas Yadav was not improperly rejected. Issue No. 13, therefore, must be answered in the negative.

36. Issue No. 14:—In view of my findings on Issue nos. 12 and 13, none of the petitioners are entitled to a declaration that the election of the respondent of the House of People from 24 Purnea Parliamentary Constituency held in January 1980 is void, nor are they entitled to any other relief.

37. Coming to the question of costs, I find that the respondent resisted vehemently the application of the intervenor petitioner for being added as a party. Though the election petition was filed on 6-2-1980 and notice issued against the respondent in March, 1980 it was not found possible to serve notice on the respondent in the ordinary manner and steps for substituted service had to be taken. The respondent appeared in the Supreme Court in the appeal filed by special leave by the intervenor Lakhman Lal Kapoor which was allowed on 2-11-1983 but he appeared in this Court only after steps for substituted service on 20-3-1984 by publication in the newspaper were taken. The application for addition of intervenor petitioner was resisted tooth and nail by the respondent and mainly due to the stand taken by the respondent that petition could be finally disposed only on 4 May, 1984. The objection to the rejoinder was raised mainly by the respondent in which original petitioner also joined. Ultimately, the original petitioners did not prosecute the election petition which suggests that they were gained over. At the trial also the respondent raised a number of preliminary issues which have all been rejected. The hearing of

the case was delayed and complicated by the raising all these issues and the responsibility for the delay rests primarily on the respondent in these circumstances. I would, accordingly, direct that the parties shall bear their own costs.

38. Before parting, I should mention that Shri Sharma had also argued that the election petition at the instance of the intervenor petitioner Sri Lakhan Lal Kapoor was not maintainable because he was the person who had before the Returning Officer raised the objection to the validity of the nomination paper of petitioner Yadav and he should not be permitted to blow hot and cold in respect of the same matter and now urge that petitioner Yadav was not disqualified. He refers to the evidence of R.W. 9 who deposed that so far as she remembered the objection to the nomination paper of petitioner Yadav was raised by Lakhan Lal Kapoor. The question that Sri Lakhan Lal Kapoor had raised the objection was not raised in the pleading or issues and apart from that statement there is no evidence on the point. The petitioner did not adduce any evidence on the point. According to the election petition, no objection was raised before the Returning Officer by or on behalf of any candidate for rejecting the nomination paper of petitioner Yadav. In these circumstances, apart from the question whether a definite finding can be arrived at that the objection was raised by Lakhan Lal Kapoor on the basis of the highly parties an and halting testimony of the respondent herself, the plea cannot be permitted to be raised in the course of argument. I, accordingly, did not permit this plea to be raised. To conclude the application is dismissed but without costs.

39. Let the substance of the decision be intimated to the Election Commissioner and Speaker of the Lok Sabha immediately. A copy of the judgement may be also sent to the Election Commission as early as possible.

Patna High Court,  
The 16th November, 1984.

Sd/- Shivanugrah Narain

Certified to be a true copy Sd. Illegible. Assistant Registrar 26 XI, 1983. Supreme Court of India.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
Civil Appeal No. 2727 of 1982

Shri Lakhan Lal Kapoor..... Appellant.

VERSUS

Mrs. Madhuri & ors. .... Respondents.

ORDER

We have heard counsel for the parties. We feel that the order dated 27-2-1981 dismissing the election petition as also

the application filed by the intervenor for being impleaded as a party under Order 1 Rule 10 C.P.C. and the Election petition should be set aside and the matter be remanded to the High Court to consider the application of Lakhan Lal for being impleaded as a party under Order 1 Rule 10 CPC and then dispose of the Election petition in accordance with law as expeditiously as possible. The appeal is disposed of accordingly without any order as to costs.

(S. MURTAZA FAZAL ALI)  
(ES VENKATARAMIAH)

New Delhi November 22, 1983.

Sd/-  
For Deputy Registrar.  
Patna High Court, Patna.

नई दिल्ली, 7 जनवरी, 1986

आदेश

आ. अ. 15:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट हरियाणा विधान सभा के उत्तर निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन लेन्डर में हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अम्बर्याई, नीक प्रतिनिधित्व अधिनियम 1951 तथा तद्वात बनाए गए नियमों द्वारा अपेक्षित उत्तर नाराणा के स्तम्भ (5) में यथा उपदण्डित रूप में अरने निर्वाचन व्यक्तियों का कोई भी लेन्डर दाखिल करने में असफल रहा है;

और उक्त अम्बर्याई ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अवश्यक नहीं दिया है या उनके द्वारा दिए गए अम्बर्याई देनों पर, यदि कोई है, विवार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायालंबित नहीं है।

अतः अब निर्वाचन आयोग उक्त अधिनियम की धारा 10 के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य को विधान सभा अवश्य विधान परिषद के सदस्य बनने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र. सं० निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र	निर्वाचन लड़ने वाले अम्बर्याई का नाम व पता	निर्खला का कारण	
1	2	3	4	5
1. हरियाणा विधान सभा का उप निर्वाचन, 1985	46-उचाना कला	श्री सतपाल, सुपुत्र श्री धरिया सिंह <sup>1</sup> गांव खेडा गेडेखाला,	विधि के अनुसार लेन्डर	
2. हरियाणा विधान सभा का उप-निर्वाचन, 1985	46-उचाना कला	पीस्ट करसिंह, तहसील नखाना, हरियाणा।	दाखिल नहीं किया।	
		श्री धोरा सिंह, सुपुत्र श्री लाल चन्द, गांव घासेकला, तहसील नखाना, जिला जीद, हरियाणा।	विधि के अनुसार लेन्डर दाखिल नहीं किया।	

1	2	3	4	5
3. —तदेव—	—तदेव—	श्री बुरो राम, सुपुत्र श्री दीवान अन्व गांव तरखा, डाकघर कर्पसियू, तहसील नरवाना, हरियाणा	—तदेव—	

[म. हरि.वि. स./46/85 (उप)]

New Delhi, the 7th January, 1986

## ORDERS

O.N. 15.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the bye-election to the Haryana Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder.

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

## TABLE

S. No.	Particulars of election	S. No. & name of the assembly constituency	Name & address of the contesting candidates	Reason for disqualification
1.	Bye-election to Haryana Legislative Assembly, 1985	46—Uchana Kalan	Shri Sat Pal, S/o Shri Darya Singh, Village Khera Genderwala, Post Karsindhu, Tehsil Narwana, Haryana.	Account not lodged in the manner.
2.	-do-	-do-	Shri Dhira Singh, S/o Lal Chand, Village Chase Kalan, Teh. Narwana, Distt. Jind, Haryana.	Account not lodged
3.	-do-	-do-	Shri Hari Ram, S/o Shri Diwan Chand, Vill. Tarkha, P.O. Karsindhu, Teh. Narwana, Haryana.	-do-

[No. HN-LA/46/85(Bye)]

आ. अ. 16:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट दिल्ली संघ राज्य अंतर से लोक सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन अंतर से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अमर्त्यि, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वान बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपर्युक्त रूप में अपने निर्वाचन व्यक्तों का

लेखा दाखिल करने में अथवा लेखा अपेक्षित रीति से दाखिल करने में असफल रहा है;

और, उक्त अमर्त्यियों ने सम्यक सूखना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वाया दिए गए अम्यावेदनों पर यदि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई प्रार्थित कारण या न्यायोचित नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीचे की सारणी के स्तरभू (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी

राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

## सारणी

क्रम सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र का क्रम सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निर्खता का कारण
1	3	3	4	5
1.	लोक सभा का साधारण निर्वाचन, 1984	4—पूर्वी दिल्ली	श्री भोला नाथ, 690/1, काबूल नगर, शाहवरा, दिल्ली।	विधिनुसार लेखा नहीं दाखिल किया
2.	—तदेव—	—तदेव—	श्री लक्ष्मण सिंह, सी-5/183 यमुना बिहार, दिल्ली।	—तदेव—
3.	—तदेव—	3—बाहरी दिल्ली	श्री ओम प्रकाश, अग्रवाल ब्लाक जी, मकान नं. 3, उत्तम नगर, नई दिल्ली-59	लेखा दाखिल नहीं किया
4	—तदेव—	—तदेव—	श्री जय राम भौम्य, डी-37, नवजीवन कैम्प, गोधिन्द पुरी, कालका जी, नई दिल्ली-110019	—तदेव—
5.	—तदेव—	—तदेव—	श्री जीत सिंह, मकान नं. 1, गांव बिंदापूर, डाकखाना उत्तम नगर, नई दिल्ली।	—तदेव—
6.	—तदेव—	—तदेव—	श्री अलवान, गांव बिंदापूर, बाणी बिहार, डाक आर, बिंदापूर कालोनी, नई दिल्ली	—तदेव—
7.	—तदेव—	—तदेव—	श्री अंजन नदन सिंह, 723-ए, पाकेट नं. 2 पश्चिमपुरी, नई दिल्ली।	—तदेव—
8.	—तदेव—	—तदेव—	श्री रणजीत सिंह, गांव व डाकघर चन्दन होला, नई दिल्ली।	—तदेव—
9	—तदेव—	—तदेव—	श्री गोपी नन्द, गांव अलि, बदरपुर, नई दिल्ली-44	विधिनुसार लेखा दाखिल नहीं किया।
10.	—तदेव—	—तदेव—	श्री राजेन्द्र, बी-5/32, पश्चिम बिहार, नई दिल्ली।	तदेव—
11.	—तदेव—	1—नई दिल्ली	श्री अर्जुन सिंह गुलाटी, 37-फरीदकोट हाउस, कोपरनिक्स मार्ग, नई दिल्ली।	लेखा दाखिल नहीं किया
12.	—तदेव—	—तदेव—	श्री अशोक कुमार, सी-58, 60 बी. के. दरत कालोनी, नई दिल्ली।	—तदेव—
13.	—तदेव—	—तदेव—	श्री हन्दर कुमार, 206-ए, जीवन नगर, नई दिल्ली।	—तदेव—

1	2	3	4	5
14.	लोक सभा का साधा- रण निवाचन, 1984	1—नई दिल्ली	श्री बुशदेव सिंह भसीन, आई-43 जंगपुरा एक्सटेंशन, नई दिल्ली।	लेखा दाखिल नहीं किया
15.	—तदेव—	—तदेव—	श्री तासो राम, झोपड़ी धोवी धाट नाथ, 5—तालकटोरा मार्ग, नई दिल्ली।	—तदेव—
16.	—तदेव—	—तदेव—	श्री पितृष्ठ, ए-9 नीति वाग, नई दिल्ली।	—तदेव—
17.	—तदेव—	—तदेव—	श्री राजकुमार, 71-ए, सनलाईट वालोनी, न. 2, नई दिल्ली।	—तदेव—
18.	—तदेव—	—तदेव—	श्री हरीश ढीगरा, 1522, अजीज गंज, बहादुर गढ़ रोड, दिल्ली।	—तदेव—
19.	—तदेव—	2—दक्षिण दिल्ली	श्री बुशदेव सिंह भसीन, आई-43, जंगपुरा एक्सटेंशन, नई दिल्ली।	—तदेव—
20.	—तदेव—	—तदेव—	श्री गोविंद लाल, 1699/4, गोविन्दपुरी, एक्सटेंशन, कालका जी, नई दिल्ली।	—तदेव—
21.	—तदेव—	—तदेव—	श्री धनश्याम शर्मा शास्त्री, राज-ज्योतिषी, 3/68, सुभाष नगर, नई दिल्ली।	—तदेव—
22.	—तदेव—	—तदेव—	श्री पुष्पोलम लाल, जे-7ए, बेरी वाला वाग, हरि नगर, नई दिल्ली।	—तदेव—
23.	—तदेव—	—तदेव—	श्री बलबीर सिंह बीर, 17/131, सुभाष नगर, नई दिल्ली—110037	—तदेव—
24.	—तदेव—	—तदेव—	श्री ललित, सी० 3/353, जनकपुरी नई दिल्ली—58	—तदेव—
25.	—तदेव—	5—चान्दनी चौक	श्री सतीश चन्द्र 1162—गलो समोसान, फराश खाना, दिल्ली।	विविधनुसार लेखा दाखिल नहीं किया।

[सं. 76 /दिल्ली-लो. स. / 85 (4)]

O.N. 16.—Whereas the Election Commission is satisfied that the each of the contesting candidates specified in column(4) of the Table below at the election to the House of the People from the Union Territory of Delhi as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any is satisfied that they have no good reason or justification for the said failure:

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

TABLE

S. No.	Particulars of election	S. No. & Name of the Parliamentary constituency	Name & Address of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the House of the People, 1984.	4—East Delhi	Shri Bhola Nath, 690/1 Kabul Nagar, Shahdra, Delhi.	Account not lodged in the manner
2.	-do-	-do-	Shri Laxman Singh C-5/183, Yamuna Vihar, Delhi	-do-
3.	-do-	3—Outer Delhi	Shri Om Parkash Aggarwal, Block-G, House No. 3, Uttam Nagar, New Delhi-59.	Account not lodged
4.	-do-	-do-	Shri Jai Ram Maurya, D-37 Nav Jiwan Camp Govind Puri, Kalkaji, New Delhi-110019.	-do-
5.	-do-	-do-	Shri Jit Singh, House No. 1, Village Bindapur, P.O. Uttam Nagar, New Delhi.	-do-
6.	-do-	-do-	Shri Balwan, Village Bindapur, Vani Bihar, Block-R, Bindapur Colony, New Delhi.	-do-
7.	-do-	-do-	Shri Brij Nandan Singh, 723-A, Pocket No. 2, Paschim Puri, New Delhi.	-do-
8.	-do-	-do-	Shri Ranjit Singh, Village & Post Office Chandan Hola, New Delhi.	-do-
9.	-do-	-do-	Shri Gopi Chand, Village Ali, Badarpur, New Delhi-44.	Account not lodged in the manner
10.	-do-	-do-	Shri Rajinder, B-5/32, Paschim Vihar New Delhi.	-do-
11.	-do-	1—New Delhi	Shri Ajun Singh Gulati, 37-Farid Kot House, Copernicus Marg, New Delhi.	Account not lodged.
12.	-do-	-do-	Shri Ashok Kumar, C-58, 60 B.K. Dutt Colony, New Delhi.	-do-
13.	-do-	-do-	Shri Inder Kumar, 206A Jeewan Nagar, New Delhi.	-do-

1	2	3	4	5
14.	General Election to the House of the People, 1984.	1—New Delhi	Shri Khushdev Singh Bhasin, I-43 Jangpura Ext., New Delhi.	Account not lodged
15.	-do-	-do-	Shri Tanti Ram, Jhopri Dhobi Ghat Nath, 5-Talkatora Marg, New Delhi.	-do-
16.	-do-	-do-	Shri Piyush, A-9, Niti Bagh, New Delhi.	-do-
17.	-do-	-do-	Shri Raj Kumar, 71-A Sunlight Colony No. II, New Delhi.	-do-
18.	-do-	-do-	Shri Harish Dhingra, 1522, Azizganj Bahadur, Garh Road, Delhi.	-do-
19.	-do-	2—South Delhi	Shri Khushdev Singh, Bhasin, I-43, Jangpura Ext., New Delhi.	-do-
20.	-do-	-do-	Shri Govind Lal, 1699/4, Govindpuri Ext., Kalkaji, New Delhi.	-do-
21.	-do-	-do-	Shri Ghan Shyam Sharma Shastri, Raj-jyotishi, 3/68, Subash Nagar, New Delhi.	-do-
22.	-do-	-do-	Shri Purshottam Lal, J-7-A Beri Wala Bagh, Hari Nagar, New Delhi.	-do-
23.	-do-	-do-	Shri Balbirsingh Bir, 17/131, Subash Nagar, New Delhi-110037.	-do-
24.	-do-	-do-	Shri Lalit, C-3/353, Janakpuri, New Delhi-58.	-do-
25.	-do-		Shri Satish Chand, 1162-Gali Samosan, Farash Khanna, Delhi.	Account not lodged in the manner

[No. 76/DL-HP/85 (4)]

आ. अ. 17:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट चंडीगढ़ संघ राज्य भैव से लोक सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन भैव से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियनों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपर्याप्ति रूप में अपने निर्वाचन अभ्यर्थों का कोई भी लेखा दाखिल करने में अथवा लेखा अपेक्षित रूप से दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा

स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीचे वो सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को; संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

## सारणी

क्रम सं.	निर्वाचन का विवरण	संसदीय निर्वाचन-क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरहंता का कारण
1	2	3	4	5
1.	लोक सभा का साधारण निर्वाचन, 1984	चंडीगढ़	श्री ओम प्रकाश, मकान संख्या 3492, सैक्टर 13-डी चंडीगढ़।	विधि के अनुसार लेखा वाखिल नहीं किया।
2.	—तदैव—	—तदैव—	श्री कृष्ण सिंह राना, एस. सी. एफ. , 19 बी, सैक्टर 19 सी, चंडीगढ़।	—तदैव—
3.	—तदैव—	—तदैव—	श्री गुरचरण सिंह आजाव, मकान नं. 3218, सैक्टर 35-डी, चंडीगढ़।	—तदैव—
4.	—तदैव—	—तदैव—	श्री जसपाल सिंह, मकान नं. 1158, सैक्टर 21-बी, चंडीगढ़।	—तदैव—
5.	—तदैव—	—तदैव—	श्री मुरारी लाल, मकान नं. 3239, सैक्टर 27-डी, चंडीगढ़।	—तदैव—
6.	—तदैव—	—तदैव—	श्री जसवंत सिंह, मकान नं. 2223, सैक्टर 15-सी, चंडीगढ़।	—तदैव—
7.	—तदैव—	—तदैव—	श्री मुखत्यार सिंह, एस. सी. एफ 24, सैक्टर 7-सी, चंडीगढ़।	—तदैव—
8.	—तदैव—	—तदैव—	श्री गुरवल्लभ सिंह, मकान नं. 3010, सैक्टर 37-डी, चंडीगढ़।	लेखा वाखिल नहीं किया।
9.	—तदैव—	—तदैव—	श्री सुरज शर्मा, मकान नं. 3444, सैक्टर 40-डी, चंडीगढ़।	—तदैव—

[सं. 76/चंडीगढ़, सौ. सं. /85]

O.N. 17.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People from the Union Territory of Chandigarh as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

## TABLE

S. No.	Particulars of election	S. No. & name of the Parliamentary Constituency	Name & address of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the House of the People, 1984	Chandigarh	Shri Om Parkash, H. No. 3492, Sec. 23-D, Chandigarh.	Account not lodged in the manner
2.	-do-	-do-	Shri Krishan Singh Rana, SCF 19B/Sec. 19C, Chandigarh.	-do-
3.	-do-	-do-	Shri Gurchran Singh Azad, H. No. 3218 Sec. 35-D, Chandigarh.	-do-
4.	-do-	-do-	Shri Jaspal Singh, H. No. 1158, Sec. 21-B, Chandigarh.	-do-
5.	-do-	-do-	Shri Murari Lal, H. No. 3239, Sec. 27-D, Chandigarh.	-do-
6.	-do-	-do-	Shri Jaswant Singh, H. No. 2223, Sec. 15-C, Chandigarh.	-do-
7.	-do-	-do-	Shri Mukhtiar Singh, S.C.F. 24, Sec. 7C, Chandigarh.	-do-
8.	-do-	-do-	Shri Gurbakhsh Singh, H. No. 3010, Sec. 37-D, Chandigarh.	Account not lodged at all
9.	-do-	-do-	Shri Suraj Sharma, H. No. 3444, Sec. 40-D, Chandigarh.	-do-

[No. 76/CH-HP/85]

आ. अ. 18:—निर्वाचन आयोग का समाधान हो गया है कि श्री केशव प्रसाद शर्मा, मार्केट मैसर्ज नार्थ डस्टर्न कॉर्टियर्स, 17/6 मथुरा रोड, फरीदाबाद हरियाणा, जिन्होंने लोक सभा का साधारण निर्वाचन 6 फरीदाबाद संसदीय निर्वाचन क्षेत्र से दिसम्बर, 1984 में लड़ा था, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तारीन बनाए गए नियमों प्रारा अवैधित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और उक्त अस्थर्मों के सम्बन्ध में उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोमित्र नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में उक्त श्री केशव प्रसाद शर्मा को संसद के किसी भी सदन के या राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आयोग की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[संख्या 76/हरि-लो. स./85 (6)]

आदेश मे,

टी. डी. गुप्ता, अवर सचिव,

भारत निर्वाचन आयोग

O.N. 18.—Whereas the Election Commission is satisfied that Shri Keshav Parsad Sharma C/o M/s. North Eastern Carriers, 17/6 Mathura Road, Faridabad, Haryana, a contesting candidate at the General Election to the House of the People held in December, 1984 from 6 Faridabad Parliamentary Constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Keshav Parsad Sharma to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. 76/HN-HP/85(6)]

By Order,  
T.D. GUPTA, Under Secy.  
Election Commission of India

